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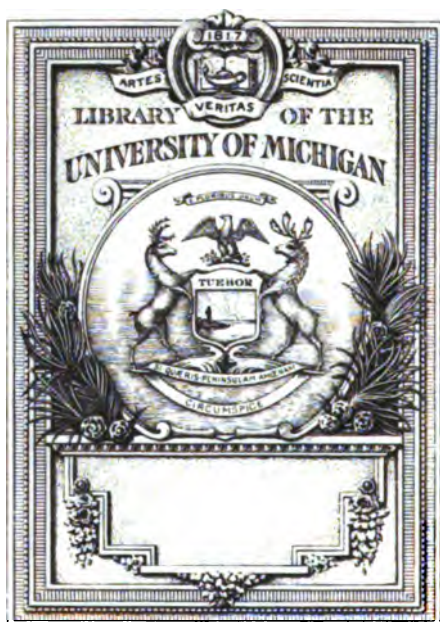
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DOCUMENTS
ACCOMPANYING THE JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
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AT THE
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[No. 1.]

REPORT of the Committee on Federal Relations.

The committee on federal relations, to whom so much of the present and retiring Governor's messages as relates to the relations of the State with other States of the Union and the General Government, submit the following report :

The Constitution of the United States is to be regarded as the supreme law of the land, ordained and established by the people themselves. The emphatic language of its preamble speaks the sentiments of the Fathers who established it : " We the people of the United States, do ordain and establish this *Constitution* for the United States of America."

It can be regarded in no other light than as a "*fundamental law of government*"—supreme in its powers, and investing the United States with all the attributes of sovereignty which, in its accepted sense, precludes the idea of any superior power. It is a solemn compact between the people of the United States, and as citizens of the United States, in the exercise of their highest known power, and from which all the attributes of sovereignty are derived—not the acts of a "distinct people of a

particular State with the people of the other States"—but the people of all the States acting in harmony in order to "establish a more perfect union."

The Constitution of the United States was deliberately intended by the people to supersede the old articles of confederation, which were interpreted to be "a mere treaty or league between independent States, and binding no longer than during the good pleasure of each." This act of the people, in ordaining the Constitution, being assented to by the States separately and in their sovereign capacity, so much of their sovereign power as was necessary to render the general government supreme, was surrendered by the voluntary and deliberate acts of the people and the States.

This, then, makes an irrevocable form of government, and the aggregate of States composing the Union are as much bound by the provisions of the Constitution, as the aggregate of the several counties of a State are in the formation of a State government.

For the first time since the adoption of the federal Constitution it has now become a practical question for the solution of the people, whether this independent government, clothed with all the attributes of sovereignty, and that, with the full and free consent of the governed, possesses the power of self-preservation.

A portion of the people of the United States, already in arms, assume a hostile attitude, and declare their purpose to subvert the government itself under what they please to term "peaceable secession."

We say *people*, because we maintain the position to be incontrovertible, that they cannot seek protection under State authority, where the attempt to exercise such authority by a State is utterly void by the express provisions of the Constitution itself, and being void, they act as *citizens* in rebellion against the sovereign power, and not as States in a separate and sovereign capacity.

"No State shall, without the consent of Congress, enter into

any agreement or compact with another State, or with a foreign power"—"no State shall enter into any treaty, alliance or confederation," is the express language of the supreme law of the land.

This, then, constitutes of itself a complete social compact—not the first formed by the same people. "The Declaration of Independence was a social compact by which the whole people covenanted with each citizen of the united colonies, and each citizen with the whole people, that the united colonies were, and of right ought to be free, and independent States. To this compact union was as vital as freedom and independence. From the hour of that independence, no one of the States whose people were parties to it, could, without a violation of that primitive compact, secede or separate from the rest. Each was pledged to all, and all were pledged to each other by a concert of soul, without limitation of time, in the presence of Almighty God, and proclaimed to all mankind."

These solemn acts of our people confirm the law of nature and of nature's God, in the duty of self preservation, and are incapable of transfer or surrender. The right to enforce is accessory to the obligation to perform, and forms the basis of all engagements, whether between individuals or between States, and upon this broad doctrine rests the solution of the present question.

The citizens, who at this time are in arms against the government and seek its overthrow, are in no dispute as to the powers granted to the General Government, and those "reserved to the States respectively, or to the people;" and the committee do not feel called upon to discuss that proposition. They are waging a sectional and local warfare upon the baseless proposition that a President of the United States, peaceably and constitutionally elected, will forswear himself, encourage innovations upon the rights of the States, and refuse to administer the government impartially and for the common benefit and protection of all—a proposition so reprehensible and absurd as to receive the reprobation of the common judgment of mankind.

By the practice of our governments, State and National, the supreme power of the General Government, within its constitutional limits, has been conceded and acknowledged for more than three quarters of a century. A single illustration will suffice to show a settled conviction of our people on this subject.

The official oath administered and taken by officers of the Federal and State Governments is a fair illustration. In the former, they are sworn to support the constitution of the United States only, thus positively declaring that they have no agency in the affairs in the State Governments—in the latter they are sworn to support not only the constitution of their own individual State, but also of the United States, showing their duty to give effect to the National Constitution as *the supreme law of the land*.

From these premises the committee deduce the doctrine that the Government of the United States, in its constitutional capacity, is supreme, with full power to punish and prevent treason, rebellion, revolution or secession, and all other acts calculated to disturb its peace and harmony, as also to provide for its self-preservation and continuance. The exercise of this power is a question of delicate and momentous importance. The horrors of civil war, and the shedding of the blood of our own fellow-citizens—the innocent with the guilty—are abhorrent to the feelings of christianity and philanthropy, and should only be tolerated as the last resort to preserve the Union and the liberties of the people.

In a crisis like the present, when excitement endangers the control of reason, we should scrutinize our own record and that of our people. It is the summit of human virtue, to judge impartially in our own case, and by our acts, as legislators and citizens, show to the world that we are the lovers of constitutional liberty.

Your committee yet retain the hope that a returning sense of duty and of justice, may yet lead these misguided citizens to return to their loyalty, and restore peace to the country; but if in this we are disappointed, and appeals to their patriotism and

magnanimity are unheeded and disregarded, and as a last resort, after all other means have failed, we are driven to arms, let us stand shoulder to shoulder in the cause of our fathers and the preservation of our liberties, both in the council and the field, forgetting all else but that we are citizens of Michigan, and remembering and revering the name of our Washington, under whose guidance our fathers bequeathed us our present legacy; do our whole duty, trusting to the God of our fathers for a safe deliverance from the perils that surround us.

Your committee submit herewith the following joint resolution, with the recommendation that the same do pass, and ask to be discharged from the further consideration of the subject.

W. T. HOWELL, *Chairman*.

JOINT RESOLUTION relative to the state of the Union.

Whereas, a portion of the people of the United States are under arms and in open rebellion against the supreme law of the land; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the people of Michigan regard the union of the States under the Constitution, as a solemn compact deliberately made by the people *themselves*, and ordained and established as a supreme government with full powers of sovereignty, incapable of transfer, surrender or annihilation. That under the government thus established we deliberately declare—

1. That the State of Michigan will abide by, and enforce all, the provisions of the Constitution of the United States, and discharge all the obligations imposed upon her, by that instrument, as a sovereign State, and as citizens of the United States.

2d. That the guarantee to each State of "a Republican form of government" we recognize as a paramount obligation, and proclaim that we are ever ready and willing to assist in securing to each and every State the full and free exercise of all the powers, privileges and immunities "reserved to the States respectively, or to the people."

3. That in case of revolution, rebellion, treason or secession, the full power of the federal government to restrain or coerce is

supreme and indisputable, to be exercised with firmness, prudence and caution for the purposes of self-preservation.

4. That we regard the present hostile and menacing acts, as the acts of citizens and not of States—denying, unequivocally, the right of any State to give any protection, as a State, to any measure or means calculated or intended to subvert the government of the United States.

Resolved further, That we approve of every and all measures taken by the general government and its officers to enforce the laws and collect the revenues of the United States; and for this purpose we pledge and tender to the President of the United States the whole force and means of the State of Michigan.

Resolved further, That we are opposed to offering to or receiving any terms of concession, compromise or capitulation, from citizens under arms and in hostility to the government, holding as our settled conviction, that any accommodations under such circumstances would only encourage a resort to violence and revolution upon all disputed points, and upon the slightest and mere ideal provocations.

Resolved further, That we tender to the friends of the Union, without distinction of party, or location of domicile, our best wishes, sympathy and aid; that in the spirit of fraternal friendship we pledge them that Michigan will not do or suffer any act that shall abridge the rights of the States, or any of them, or of the people, or violate the letter or spirit of the Constitution of the United States.

Resolved, That a copy of these resolutions be forwarded by his Excellency, the Governor, to our Senators and Representatives in Congress, and to each of the Governors of our sister States.





[No. 2.]

REPORTS of the Majority and Minority of the Committee on Elections, to whom was referred the Memorial of Hon. Henry Raymond, contesting the seat of Hon. Appleton Stevens.

Your committee, to whom was referred the memorial of Hon. Henry Raymond, of Bay county, contesting the seat in this House of Hon. Appleton Stevens, of said county, respectfully ask leave to report that they have had the subject under consideration, and have instructed me, as their chairman, to report that they have considered certain affidavits and the depositions of sundry individuals who have been sworn before the committee, a memorandum of whose testimony is hereto annexed, with said affidavits, and find that at the election held in November last, Appleton Stevens received, in the county of Bay, 334 votes, and Henry Raymond 295 votes, making Stevens' majority 39; that of the 334 votes received by Mr. Stevens, 41 in the township of Arenac, and 4 in the township of Bangor, were given by Indians; that these Indians in the township of Arenac were, at the time of said election, members of a tribe, to wit: of the Saginaw band of the Chippewa tribe, for the most part uncivilized,

without fixed habitation, dressing mostly like savages; that their agriculture is but little different from that which prevailed at the first settlement of the country by whites; that they acknowledge a principal and several minor chiefs; that they came to the polls not as civilized men, but as savages, and there publicly acknowledged allegiance to chiefs, and were probably paid for voting the ticket upon which was Mr. Stevens' name.

Your committee have not positive proof that the 4 Indian votes cast in the town of Bangor were cast for Appleton Stevens, but the evidence in their minds is conclusive that they were illegal, and that they were cast for said Appleton Stevens. The 41 Indian votes cast in Arenac, are, in the judgment of the committee, clearly illegal, and ought to be deducted from the votes canvassed for Appleton Stevens, which will reduce the vote in his favor to 293, and give Mr. Raymond two majority.

Your committee therefore recommend the granting of the prayer of the said memorial, and Mr. Raymond be entitled to a seat in this House now held by Mr. Stevens.

All of which is respectfully submitted, with the accompanying papers and evidence, together with the opinion of the late Attorney General Howard, and your committee ask to be discharged from the further consideration of the subject.

H. C. HURD, *Chairman*.

P. S. After this report was completed, Mr. Stevens received sundry affidavits which were objected to by Mr. Raymond, but by consent of the parties are submitted to this House with the other papers and affidavits.

Your committee would take this opportunity, in view of the gross frauds committed in our elections, to recommend the passage of a more stringent law than now exists on our statute, for the punishment of fraud and bribery in elections.

All of which is respectfully submitted, with the accompanying papers and affidavits, and your committee ask to be discharged from the further consideration of the same.

H. C. HURD, *Chairman*.

MINORITY REPORT.

The undersigned from the committee on elections, to which was referred the memorial of Henry Raymond, contestant for the seat now held by Appleton Stevens, as member of this House from the county of Bay, ask leave to report, that we have examined the allegements and evidence of the parties contestant, with the following result :

The canvassers' statement shows that the sitting member received a majority of thirty-nine of the votes actually polled, and was thereby elected. The contestant seeks to avoid the election only on the ground that votes were given for the sitting member in number larger than his majority, by Indians who were not "civilized persons of Indian descent, not members of any tribe." The contestant assumes the burden of proof and undertakes to show, that at least forty such illegal votes were given against him, and for the sitting member, in order to entitle him to be regarded as elected. For this purpose, he introduces affidavits of certain individuals, which affidavits the sitting member holds as *ex parte*, and not binding as proof, being taken without process of law, as provided in the laws of Michigan—compiled laws, page 1171, where, in section 4270, it is provided that "depositions may be taken, in the manner and according to the regulations provided in this act, to be used before any magistrate or other persons authorized to examine witnesses," and so depriving him of his right to cross-examination. The committee overruled the objection and received the affidavits as testimony, as they said, "for what it was worth." Whether the House receive that class of testimony or not, we expect to show that even if they would otherwise be legal, they are *false upon their face*, and contradicted by the contestant's own witness, Mr. Benjamin F. Partridge, who testified in person before the committee.

But the contestant has undertaken to prove, first, that certain Indians who voted in the town of Arenac, in Bay county, were not civilized, and in proof introduces the *ex parte* affidavit of Thomas Westfall, who deposes that a large number of Indians

voted in Arenac, and that "said Indians live almost entirely by hunting and fishing."

Eleven residents of Bay county depose *ex parte* that they "have seen the Indians who live in the county of Bay, at Bay City, and that their general reputation is that they live by hunting and fishing."

Benjamin F. Partridge testifies that he was at the polls at Arenac, all day; that he did not go there to electioneer, but to see to his own interest, being the Republican candidate for County Surveyor, and all the Indians (41) who voted, voted for him; that he is acquainted with Na-gon-wa-we-dung, who is one of them, and he conforms to the Indian customs; also Daniel Hall, who conforms to the Indian customs as much as any of them; also Elliott Kaba, who he says is son of a chief, and has a log house that he lives in part of the time; he had on pants, an Indian blanket and moccasins; Daniel Kaba, also one of them, has a house, but only occupies it part of the time; has seen him have on pants and a coat. Thomas and Peter Sagto and Me-ge-ne-ne are equal, She-bau-ge-zick, George Ta-wa-gonce, Benjamin Ca-ba-as-sa, John Ca-ba-on-quet, Peter Wa-tum and Peter Baldwin are inferior, and Au-te-go-na-bee is a chief, and superior in intelligence and advancement.

To guard the House against being misled by generalities with which the evidence abounds, we insert here what the same witness said when testifying generally, showing by the comparison also what injustice he thus inadvertently perpetrated upon all those excellent citizens he has just spoken so well of. He says: "they live by hunting and fishing; use no chairs or other domestic furniture, and no domestic animals but ponies; dress in blankets, leggings and moccasins; bake their bread in the ashes, or by putting the dough around a stick and turning it before the fire, and live in tents and bark camps."

But on the part of Mr. Stevens, Rev. George Bradley testifies before the committee, in person, that from fifteen years association with them as a Missionary preacher, he is acquainted with every Indian named by Mr. Partridge, and knows by personal

observation that Daniel Hall is a gentleman and a scholar, and that all the others are fully and in every way his equal.

He says further that all these and many others, in the town of Arenac, live in comfortable houses, furnished with tables and chairs, and things to eat as good as many white folks, and bake good bread in ovens; that a good many of them can write a better hand than he had seen any gentleman, member of this Legislature, perform; that some of them have frame houses; the identical Kaba lives at Passaigoning, in the town of Arenac, in a *good* frame house with a carpeted sitting room in it; he says it is a good place to stay, and that at that same place there are twelve to fifteen log houses, hewed down smooth and shingled, with glass windows and clapboarded gable ends. Some of them, he adds, are not equal to this description, and some live in camps and tents, but even at River O'Gray, the least improved neighborhood in all Arenac, the most of them can speak English well, up to middle age. He thinks they have had schools kept some part of the time every year, since 1846 or 1847, and they also keep a good many cows and young cattle. Baldwin and Bourrassa told Mr. Bradley that they had both been warned out to work their poll and property highway tax, and had worked it out, a thing no white man that we know or can hear of, has done in the town of Arenac.

One more Indian we will name at this point; it is Tawas, who has told Mr. Bradley that he is a hundred years old; served the United States in the war of 1812, was present at Hull's surrender at Detroit, and was so mad he has never got over it.

Rev. W. H. Brockway knows by name, as he testifies before the committee in person, ten of the Indians named by Mr. Partridge, and cordially endorses Mr. Bradley's statements, adding that Baldwin is a very civilized man, educated at Berea, in Ohio, a good speaker and preacher. We consider it entirely unnecessary for us to say more in vindication of the claims of the Indians to civilization, patriotism and good citizenship. The Constitution uses the term Indian descent, so as to include part blood Indians—not to *exclude* full bloods. For a person of

purely Indian descent could not in human nature help being an Indian, if he was ever so civilized.

But the contestant undertakes to show, secondly, that no less than 40 of those Indians belong to a tribe.

The only ghost of evidence in the whole array is the *ex parte* affidavit of John Melvin, wherein, in speaking of the Indians who voted in Arenac, he deposes that "said Indians were sworn, and claimed they were members of a tribe," but it appears from Mr. Partridge's testimony in person before the committee, that only a part of them were sworn. Mr. Melvin does not say what tribe they belong to, or what was the nature of their connection with a tribe.

Mr. Partridge was present at the polls all day, and heard all of them sworn that were sworn, and the only one that said any thing about it was Tawas, who said he was *Chief*. These Indians own real estate, the title to which they hold by patent from the United States government, and can dispose of it at pleasure. The tribal government recognizes no such right to individual ownership and control. All such disqualifying tribal organizations were legally dissolved by the treaty of 1855, and "practically dissolved," as Mr. Brockway testifies, by carrying out its provisions. We hold it at least reasonably certain that Indians who are highly civilized, as fourteen at least are, who are designated by name from the poll list in the testimony of Mr. Bradley, who own land and control it with other property, paying taxes to this State upon it, and legally and practically free from all allegiance or obedience to any Chief, are "not members of any tribe." It is said that ex-Attorney General Howard once expressed the opinion that acknowledging a *Chief* was a disqualification.

A paper purporting to be such *legal opinion* is among the evidence in this case. Attorney General Upson wrote an opinion which also *was* among the evidence, but was withdrawn by the contestant as unfavorable to his claim. The purport of it was that no such thing as a tribe could exist under the treaty; that they were not voters simply by being "not

members of any tribe," but they must also be civilized. The only statements offered as evidence that they acknowledge a chief, are the *ex parte* statements of Pelkie, that the Indians in the town of Arenac "acknowledge Nank-chig-ome as their chief," of William S. Patrick, "that two of them claimed to be head men, and that the other Indians acknowledged them to be such head men." In what manner, or under what circumstances, he does not say, and eleven residents of Bay county, who depose (*ex parte*) that their "*general reputation* is that they acknowledge a chief." According to the testimony of Mr. Partridge, who was at the polls all day, only part of them said anything about it, all that he could be persuaded to say, after very close questioning, by the contestant, was that "Tawas was sworn, and said he was chief."

He did say that that venerable patriot who fought our battles half a century ago, and was betrayed into the hands of a remorseless foe by our General "was kept upon the stand a long hour" by challengers, who will never know so much of their country's history as Tawas carries on his wampum belt, and communicates to his numerous descendants in words of enrapturing eloquence unknown to the Anglo-saxon tongue, before they would permit him to exercise the right of suffrage, and make his choice whether he would have Mr. Stevens or Mr. Raymond to represent the county, (all of which was justly his own property, and which he had magnanimously permitted those challengers to make their homes out of pity for their destitute and homeless condition,) on the floor of this House.

Mr. Partridge further testified that the town of Arenac comprises sixteen townships of territory, and contains more than one hundred Indian men over twenty-one years of age. Is it reasonably certain that eleven men who live at Bay City, thirty miles from Arenac, or that Mr. Westfall, who lives in the town of Arenac, or even Antoine Pelkie, whose wife is an Indian woman, can be so familiar with every individual Indian in sixteen townships of primeval forest, occupied by three times the number of adult Indian men that voted, and twenty times

the number necessary to elect the sitting member, as to be able to say that each individual, by name, is a savage, and member of a tribe? Not one of them has pretended to do it.

Our opinion is, that evidence enunciated in such general terms as *the* Indians, the Saginaw bands of Indians, or the Indians in the town of Arenac, which is the most positive and pointed statement used, cannot be soundly held to include every particular Indian in that whole territory. If any Indian whose name is in the poll list is distinctly recognized as known to a witness to be a member of any tribe, contrary to the terms of his treaty, then he should be excluded; but no such case occurs. Fourteen, at least, are distinctly recognized by fifteen years intimate acquaintance with Mr. Bradley, and ten by twenty-five years acquaintance with Mr. Brockway, that are first class citizens anywhere, without any legal or practical connection with any tribe. Mr. Partridge testified that Tawas said he was chief of that band. Mr. Raymond asked him the question if a tribe did not consist of bands, and he answered that it did. The most, therefore, that can be made out of the whole mass of testimony, is, that perhaps a part of the Indians in Arenac belong to bands. If they are tribes, they must be very weak ones, for no less than four—Nankchigome, Antogonabee, Peter Watum and Tawas—are said to be chiefs!

The fact is, that these men were formerly chiefs of bands, and a part of the people, formerly belonging to some of the bands, are not sufficiently conversant with commercial intricacies to venture to conduct their business relations with the United States government, and so these persons who were formerly chiefs, now act as agents for the others in those matters only, and are called chiefs by the government, as well as by the Indians, instead of agents; but according to Mr. Bradley's explanation of their method of transacting such business, it is so far from chiefship, in the primitive Indian sense, (in which sense the chief could bargain, in all respects, so as to bind his people without their consent,) that they have not even the power of an attorney, but every individual must sign his own name with his own hand

when he receives any pay from Government, and is simply vouched for by the so-called chief or agent, so as to prevent him from drawing pay more than once.

In all the evidence, no person has said that any Indian, or set, or class of Indians, acknowledged a chief any more positively than the two Patricks did that they voted the democratic ticket, which it is clearly proved they did not.

But the contestant undertakes to show, 3d, that as many as forty of those Indians voted for the sitting member, and therefor introduces the ex-parte affidavit of Scott W. Sayles, wherein it is deposed that four Indians voted, in the town of Bangor, whose names were not duly registered, and "he *has no doubt* they voted the democratic ticket." We think it is not proved that those four Indians voted for Mr. Stevens, even if the ex-parte nature of the affidavit is not considered; for George F. Patrick deposed (ex-parte) that the Indians who voted in Arenac "*stated* that they voted the democratic ticket," and William S. Patrick deposed (ex parte) that "Perit *compelled* them to vote the democratic ticket," but Mr. Partridge testified in person before the committee that he was at the polls in Arenac all day, and that the Indians did not vote the entire democratic ticket, but certainly voted for the witness, and for aught he knows, some of them voted for Mr. Raymond. He had a better chance to know than Mr. Sayles, for Mr. Sayles was a member of the Board of Inspectors, and Mr. Partridge was attending exclusively to his party interest, and had leisure to watch how people voted.

In proof that certainly 40 Indians voted for the sitting member in Arenac, Mr. Partridge testifies that 41 Indians voted there, and he has no means of knowing whether any one of them voted for Mr. Stevens, or Mr. Raymond. It is true that William S. Patrick, George Patrick, John Melvin, David Sherman, John S. Sherman, Oliver B. Beach, George Palmer, Joseph Fox, John S. Wilson, S. P. Havens, John Major, William Smith, Edward Oates, Samuel M. Wilson, Benjamin Tabasa, George Wash-ton, and James Roberts, 17 in all, depose (*ex parte*) that

they voted in Arenac for Henry Raymond, and Mr. Partridge swore that Lorango Jenny so voted, which makes out the 18 votes which Mr. Raymond had, in that town, by the canvassers' statement.

Here, then, (if the *ex parte* nature of the evidence to prove 17 of them is not considered,) we have the names of all the men who supported the contestant in that town.

They *may* be white men, but if they are, it is not in evidence before the committee! Every one of them may belong to that savage race of which the poet sung—"Lo! the poor Indian." If they are white men, they are such as the Indian referred to when he said, "white men very onsartin." Not one of them has deposed that he was a white man, and no witness has sworn that a single one of them was. Seventeen of them have indeed deposed that they were legal voters, and the Indians also swore to the same when they were challenged at the polls.

But this is not all. It is certain that they are *not* all white men. Since the testimony before the committee was closed, the sitting member has received a copy of the poll list from the town of Arenac, and certain affidavits, which evidence the committee have received by consent of the contestant. The affidavits are *ex parte* like the others, but the poll list is duly certified, by the Supervisor of the town, to have been truly copied by him, and he has marked each name so as to distinguish between white men and Indians. By that list, George Washton is an Indian! and Mark D. Bourrassa and Peter Watum depose *ex parte*, that he is an Indian. The name of Benjamin Tabasa does not occur in the list, and no Benjamin, except Benjamin Cabasas, who is marked as an Indian, deposed to be an Indian by Bourrassa and Watum, and sworn to be an Indian by Bradley, Brockway and Partridge. The name of James Roberts does not occur in the list, but in the contestant's copy, certified to be a true copy by the town clerk, it occurs as number 62. In the other copy, number 62 is Loo-wa-way-shing, an Indian.

Mr. Partridge swore that forty-one Indians voted in Arenac, and twenty-one white men and two half-breeds. Dan-

iel Williams, John Lantz, James Mackin, John W. Whiting, Lewis McNeil, and George Law, have made affidavits (*ex parte*) that they are white men, and voted for Stevens, and Mark D. Bourrassa and Bernard Bourrassa, that they are half-breeds, and voted for Stevens. Here are the two cross bloods and six white men. 18 and 6=24, and there were but twenty-one white men.

It is now apparent that the contestant took those affidavits *ex parte* from choice, and for the purpose of imposing the names of Indians upon this House as those of white men, and that he studiously and craftily neglected to have any of them depose that they were white men, or to allow any witness to swear to it, judging with great sagacity that the committee, good honest souls, would take it for granted that they were all alike, white men, if the testimony, upon this point, was all alike silent.

And here we rest that our promise in the beginning of this report to show that this *ex parte* evidence was false upon its face, for where good evidence should contain the whole truth, this does not set forth enough to entitle it to the dignity of even *ex parte* evidence; for *ex parte* means on one side, and this does less than that, and is really no more than in part *ex parte*.

The contestant alleges that those 18 voters were scattered over 16 townships of territory, and he had to employ an officer to go around with him to find them, and could by no means inform the sitting member when, where, and of whom he was to take testimony.

This difficulty we hold to be the misfortune of the contestant, and not of the sitting member.

The fact is, that three Indians voted for Raymond, and 39 for Stevens; exactly the majority by which he is elected. Now, throwing out all the Indians, 39 from Stevens' vote, and 3 from Raymond's, and Stevens is elected by 3 majority. Mr. Raymond, however, is not unprepared for this emergency, for here comes the affidavit of Mr. Sayles concerning the 4 Bangor Indians.

Our apology is due to the House for introducing *arguments* into this report to show the insufficiency of that testimony, and

it is this : that although the committee took it, as they did all of the *ex parte* class of evidence, "for what it was worth," they decided that Mr. Sayles' affidavit—notwithstanding the *ex parte* nature of it, and notwithstanding he does not pretend to know who they voted for—that "it was worth" enough to unseat a member of this House ! We do not believe this House will value it as high, if they take it at any price.

If they do, the question will recur upon the legality or illegality of the votes of all those Indians ; for if the Bangor Indians voted for Stevens, and the Indians are all thrown out, then Raymond has a clear majority of one. The three Indians who voted for him all depose that they were legal voters, and their names are ranked by all the witnesses among the first class of citizens ; and no less than eleven others, who actually voted for Stevens, are equally respectable.

The vote of Peter Wa-tum, who deposes that he is no chief and acknowledges no chief, and Peter Baldwin's vote, give Stevens a majority of one, and Baldwin is a man who was educated in the very centre of civilization, is a profound scholar, a brilliant orator, and an eminent divine. But to still further satisfy the house that a large number of those were legal voters in the strictest sense of the term, Julius B. Hart and Barzelius B. Hart, of Bay City, Indian traders, depose (*ex parte*) that they are well acquainted with the Indians in the town of Arenac, describe them the same as witnesses Bradley and Brockway, and say that no tribal relations whatever exist among them to their knowledge. Mark D. Bourrassa, a cross-blood, of Arenac, deposes (*ex parte*) that he knows twenty-six of the Indians who voted, in that town, for Stevens, and whose names he gives, corresponding with the poll-lists, and describes as farmers, making agriculture their principal business, and eight of whom can read and write, and positively, as of his own knowledge, that no tribal relation has existed there since 1855.

And Peter Wa-tum deposes (*ex parte*) that he is an Indian, and resides in the town of Arenac, and has for twenty years—corroborates Bourrassa as to twenty-two that are farmers, and

that can read and write ; and says there has no tribal relation existed among them since 1855 ; that those who were formerly chiefs, exercise no authority as such ; that all the Indians who voted in Arenac are civilized, and that not one of them belongs to any tribe or *band* whatever ; that he was formerly a chief, but neither claims nor exercises any such right, and has exercised no such authority since 1855.

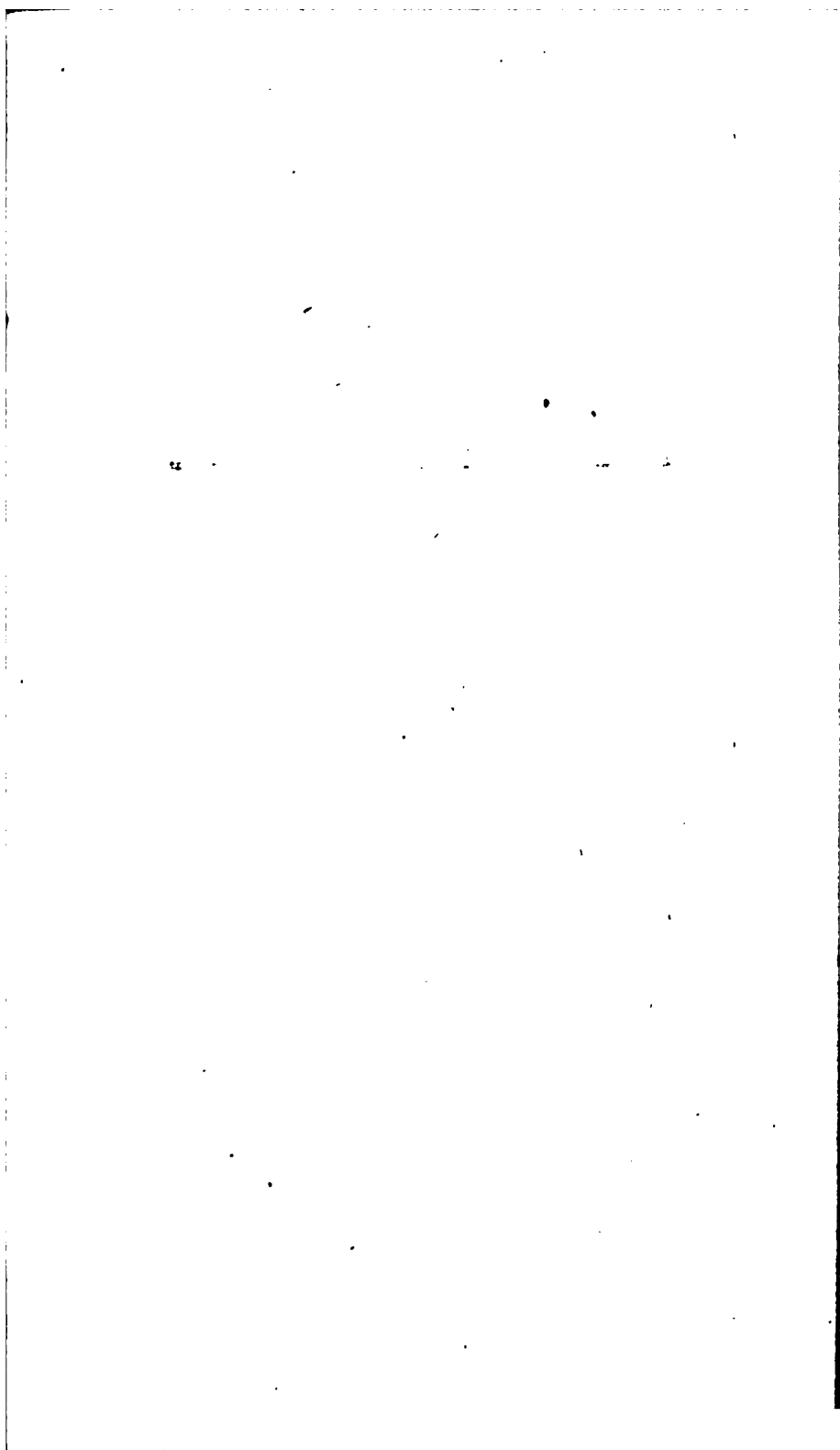
The conclusion is unavoidable to us, that those Indians were legal voters, and we hope the House will not deprive Mr. Raymond of the benefit of the three Indian votes which he received, for he will probably never receive another ; or if he does, we will then believe that the Indian who gives it ought not to be a legal voter.

We, therefore, reminding such members, if there are any, who are in doubt, that legally and justly the sitting member is entitled to the benefit of every reasonable doubt, report that in our deliberate judgment, Appleton Stevens was legally elected, and is legally and justly entitled to the seat he now holds as member of this House from the county of Bay, and that the prayer of the memorialist ought to be refused.

All of which is respectfully submitted.

ANDREW J. LEETCH,
SLOAN COOLEY.







[No. 3.]

AN ADDRESS on the Condition and Office of the Michigan State Agricultural College, delivered in the Representative Hall, January 14th, 1861, by Prof. L. R. FISK.

Mr. Chairman and Fellow Citizens :

It is the right of every citizen of the State to be made acquainted with the exact condition of all our public institutions. Established as the Agricultural College was, in conformity with a requirement of the Constitution and the will of the people, it is but proper that we should present a statement of its progress, the difficulties that have beset it, the work it proposes to accomplish, and its relations to the industrial prosperity and educational advancement of the land.

No educational institution of a high grade is built up in a day. The growth of colleges is proverbially slow. Even when established in conformity with our old and accredited system of education, it is universally true that many years are required to secure that development which gives permanency and efficiency. Half a score of years is much less time than is usually needed to gain a position among the colleges of the land. In-

deed, the minority of a college is seldom less than the minority of a human being. Even our own University, now so efficient, and deservedly held in high esteem, was compelled to struggle for a comparatively long period with many serious obstacles which blocked up its road to success.

The Michigan State Agricultural College was opened for the reception of students a little more than 3½ years ago. That it has found peculiar difficulties with which to contend, is no more than should have been anticipated, and which the circumstances rendered wholly unavoidable. I think it is not too much to assert that when the Legislature passed the Act of Organization, there was no man living that could lay down the details of the system proper to pursue. The field was entirely a new one. Michigan was taking the lead in founding an Industrial College. There was, therefore, no precedents to guide us. We could not avail ourselves of the experience of others.

We had to make a system; we had to manufacture an experience. Standing then at the beginning of a new enterprise, with no aids in the past, with no assistance in the present, and the future to make for ourselves, it would have been miraculous had the way been free from all obstructions. We should have realized what was never experienced before, among institutions of learning, in civil governments, in the religious world, or in the prosecution of any untried enterprise.

What are the special wants of the farming community to be provided for? What shall be the course of instruction? How broad—how narrow? How shall study and labor be united, so that neither shall detract from the other? As the indoor instruction must be given by several Professors, how shall this instruction be practically illustrated on the farm which must be under the general supervision of one man? What shall be the system of remuneration of labor? What work shall be paid for, and what shall be considered as strictly educational, and, therefore, demanding no pecuniary compensation? What policy shall be adopted in regard to the experimental farm? Shall the experiments be prosecuted entirely by the Farm Superintendent, or

in part by the Professors, illustrating and deciding principles in their several departments? If the latter, how shall it all be systematized, and put in perfect running order? Indeed, involving so much of machinery as an Agricultural College must, having so many wants to meet, and objects to accomplish; and being necessarily complicated therefore, how shall all this machinery be harmonized, and the several objects secured?

Shall we look to Europe for a solution of the scores of practical questions that arise? We may derive some aid from this source, but our difficulties are not all removed. America is not like Europe. The entire genius of our people differs from that of the nations of the Old World. The state of society in which we live, the tenure of landed property, the social and industrial standing of the agricultural class, the wants therefor to be provided for; these all make our position peculiar, and prevent the imitation of the system of European schools. It would be highly absurd to think of engrafting on our policy any institutions of the Old World without radical modifications.

There is a degree of impatience among the American people, for the realization of great results, in regard to any enterprise. We cannot afford to wait the fashioning hand of time. We expect the acorn to become the rugged, massive oak, in a day. The natural process of growth is too tardy and old fashioned for this wide-awake, go-a-head nation.

The impossibility of realizing speedy results from the College farm, such as are contemplated in the law, becomes evident from its new and unimproved condition. The land must first be cleared and subdued before reliable experiments can be performed. In considering what the Agricultural College will yet become, it is wholly unsafe to reason from the past. Had the Institution been located on an improved farm, so that an extensive series of experiments could have been commenced immediately, the means of securing many of the objects for which the College was founded, would have been much sooner within its reach. Much of the expense at first incurred was for the purpose of hastening the day when these experiments could be

commenced. Labor, therefore, which would be unprofitable in general husbandry, it became absolutely necessary to apply to prepare the soil at as early a day as possible for putting in operation the experimental farm. To illustrate my meaning. It is in general a poor investment of means to remove the stumps from land from which the timber has been but recently cleared. It is better to seed it down until decomposition has so far progressed that it can be cultivated with the plow, not removing the stumps till from their natural decay it may be easily done. During the first year of the College, the stumps were extracted from some 20 acres of ground as a part of the process of rapid subjugation, that the idea of an experimental farm might be more speedily realized.

But these difficulties that have obstructed the free course of the College have been gradually surmounted, and a point is now reached where determinate plans may be formed, and definite results safely predicted.

The Agricultural College must consist of three general departments—an Experimental Farm, a Model or Practical Farm, and the School.

The establishment of an Experimental Farm was one of the leading purposes of the institution.

That successful agriculture results from strict conformity to fixed and immutable laws, is so evidently true that it needs no proof. Every plant has its own mode of growth, and invariably requires the existence of certain essential conditions. These necessary conditions are determined by experiment and close observation; by a minute inspection of the phenomena of vegetable growth amid the ever varying circumstances of the physical world. Agriculture is the creature of experiments. Its foundation was laid in experiments; its framework has been reared through experiments; as a temple of art, every timber has been fitted in its place by the hand of experiment.

Why plant corn in the spring of the year, rather than in the fall? Why select a particular time in the spring? Why plant at a certain depth? Why not plant at the same depth as the

potatoe? Why cultivate in a certain way? Why harvest it at a certain time? Indeed, why the special mode of culture of this and every other crop? Has not the knowledge we possess been derived from experiments? The world has been experimenting for six thousand years. This mighty art, on which rests the support of the race, with which is linked the very life of man, is wholly the product of experiments.

There is every reason to believe that this department of the Institution may become a source of great profit to the people of the State. Unquestionably the productiveness of the soil is not what it should be, for two reasons: 1st, from ignorance among the mass of the people of the principles already determined; and 2d, because many more experiments are yet required to bring to light truths which have a direct bearing on the cultivation of the soil. I know that a great deal is said against book-farming. Certainly that which is true is not rendered false, nor that which is false, true, by publication in a book or paper.

Doubtless there are scores of statements on agricultural subjects which find their way to the press that are utterly false, and calculated to mislead. It may be stated as a general rule that theories are unsafe until tested by experience. The object of a State Experimental Farm is to officially test these theories, to establish those which are correct, and disprove those which are false. A single experiment here performed, and officially published to the world, in detail, with all the circumstances and conditions fully stated, may save the people of the State thousands of dollars. Instead of every farmer incurring the expense of prosecuting each separate experiment, and if the result be unfavorable, thus indefinitely augmenting the aggregate cost, a single experiment from such an official source may settle the whole question, and effect an immense saving to the farming community. On the other hand, experiments which bring to light new principles, and establish improved methods, must have a direct effect in rendering more productive the labor of the farm.

Most of the experiments prosecuted throughout the country afford but little reliable information, either from neglect to note all the circumstances, conditions and results, or from inability to determine what those conditions are. For illustration: Everybody knows that the plant grows and matures in accordance with certain unchangeable laws. Each plant has nearly a fixed composition, and the material which builds up its organism must come from the soil and air. A certain amount of heat is necessary; a certain degree of moisture, together with the light of the sun. Now, every experiment on every class of plants, involves the principles of both Chemistry and Botany; and unless these are understood and regarded, no one can fully appreciate the lesson taught. Should the object be—to take a special case—to determine the value of a certain fertilizer in raising wheat, it is not enough to simply apply it and note the results. Should it increase the yield, it will not prove it to be generally adapted to the growth of wheat; nor should it fail to effect the crop will it prove it to be generally useless for this purpose. It may have failed to improve the crop, not because it did not contain the elements the plant needed, but because the soil was already richly supplied; or if it improved the crop it might have been one of those exceptional cases which would not occur again in a hundred times. It is necessary, then, to know not only the chemical composition of the fertilizer used, but also the composition of the soil, and the chemical wants of the plant raised.

But this is not the time to dwell on this subject at great length. I will only repeat, that it is often *indispensable* to determine the composition of the soil experimented on; the composition of the fertilizer applied; the composition of the plant raised, as to its earthy constituents, its fattening qualities, its nutritive value, with all the phenomena attending its growth and ripening, in connection with the amount of yield, at the same time that the facts of moisture, heat, climate &c., are all distinctly observed and noted; while a careful study of the whole subject shall give to each element in this problem of growth its

due weight. The want of such means of investigation as may be collected at a College in Chemistry, Botany and Zoology, renders it absolutely impossible for the farmer to conduct many experiment? with that precision and completeness required for arriving at definite results.

The greater part of our published experiments are European. They are to us suggestive, and often exceedingly valuable; and so far as they conform to the conditions on this side of the waters, and proceed on general principles simply, they are quite indispensable. But who does not know that the mode of culture in Europe is not adapted to America? that should it be introduced here it would be an utter failure? With such a vast difference in climate, with a soil unlike theirs, with every special condition modified to an important degree, our agriculture must essentially differ from that of the Old World. And even Michigan, situated as she is within the lakes, has many climatic characteristics peculiar to herself. The farming of New England is not the farming for us. We have special problems in agriculture here to solve; problems that cannot be solved in New York, Pennsylvania, or Illinois. We are compelled to prosecute our own experiments, and make our own determinations. We cannot rely on the rest of the world to do this work for us.

He who would circumscribe the College simply to the office of imparting instruction to the young men who should resort thither for study and improvement, has a very inadequate view of the work it proposes to accomplish. It should occupy a broader field than this. It should reach every farm in the State. It should send forth its enlightening influence throughout the whole land. Every farmer should feel that he has special interests here; that the College is a co-laborer with him in the noblest pursuit of man. Dignified to the office of toiling in the great work of feeding the race, it has a noble purpose to guide it. It must, therefore, aim to be in its own department of labor, a fountain of original knowledge. Investigations should be earnestly and continuously prosecuted here, and every effort made,

as rapidly as the condition of the farm will allow, to make this one of the most useful and attractive features of the Institution.

Another department of the College is the model or practical farm. On this no experiments are to be performed. It is to be conducted according to the most approved system of husbandry, so far as already determined. It has various uses:

1st. It is cultivated for the income, the same as any private farm.

2d. It furnishes the students the opportunity of laboring, so essential for their health, and so convenient for providing means to prosecute their studies.

3d. It affords them the facilities of illustrating practically on the farm the instructions of the lecture room.

4th. It should be a model in neatness, order, system, and economy, both to the students and to the people of the State.

All its accounts being kept separate, as its design wholly differs from that of the experimental farm, the skill with which it is managed will be measured by the profits arising from the same.

The third department is the school.

That so long a period should have elapsed before any adequate provision was made for systematic instruction in the science of farming, is truly remarkable. A large proportion of the Agricultural schools of Europe have been founded within the last twenty-five or thirty years, and America is just beginning to awaken to the real importance of this subject.

The prejudice against the term science, as applied to agriculture, is fast wearing away. Men begin to understand that the whole vegetable kingdom is within the scope of nature's laws ; that the plant is subject to forces essential to its life ; that when proper conditions are supplied it will thrive and perfect ; but that when some of these conditions are wanting, its growth becomes an impossibility. The object of scientific investigations is to determine what these conditions are, and the simplest means of maintaining them. Our most successful farmers are practically the most scientific. They are successful

because they conform to the laws of nature, and science is but an expression of these laws. It is impossible that a farmer who violates the principles of science, whether known or unknown, should succeed. Correct art is always founded on science. It is unreasonable to confound the *dicta* of agricultural writers with the science of agriculture. These *dicta* may be mere assumptions, or theories unfounded in facts and incapable of proof. But it is strange that any prejudice should exist against the advantage of studying and tracing out those laws of nature which operate in the conversion of the constituents of the soil and air into the plant, or by virtue of which all those changes take place which are required in successful agriculture. It seems to me that if there be a subject in the wide range of the arts demanding study and thought, this is one. There is, indeed, no branch of business which grasps so much of scientific truth, which rests on so broad a foundation, which is so justly entitled to the rank of a learned profession. Look where you will, and you can find no pursuit of man that presents so rich a field for research, so exhaustless a mine of truth, so abundant a harvest of thought. The forces of the material world seem to have all centered here. The kingdoms of nature all do its bidding. No agriculturist can explain the philosophy of his labor without diving deeply into Chemistry, into Botany, into Zoology, into Geology, into Mineralogy, into Meteorology, into Mathematics, into Philosophy. The study of these sciences with reference to their application to agriculture is eminently practical. Let us look at a few of the problems with which it deals.

What are the essential constituents of a fertile soil? What is the cause of the unproductiveness of the soil? Is it from the absence of one or more of its elements; or is it from an excess of some of its constituents, or from their state of chemical combination, or from some defect in its physical condition, or from two or more of these causes combined? What manures supply the waste of the soil effected by the raising of wheat, oats, corn, barley, potatoes, hay, or other crops? What ele-

ments, and in what proportion, are removed from the soil by the different species of plants? How do the constituents removed from the soil by the several varieties of wheat differ, or the several varieties of corn, oats, potatoes, &c? What is the proportion of fattening material in each of the several grains, the amount of nutritive matter, the percentage of starch, and the degree of fibrous and waste material? What influence have the different modes of culture on the proportions of these constituents? To what extent is starch or sugar fattening? Are the fibrous portions of the plant in any degree nutritious.

What is the difference in composition of vegetable and animal manures? and of the solid and liquid portions of the latter? and to what crops may each be most economically applied? How may these manures be most perfectly preserved? When should quicklime be applied as a manure, when the carbonate of lime, when the sulphate of lime, when the phosphate of lime? How may we determine the value of the various special manures? By what system of husbandry may we preserve most fully the fertility of the soil?

But the questions which can be answered only by the joint labor of science, and practice, are almost without number. They reach forth into every domain of the physical world. Turn over any page of nature, and we find them there. Pursue any line of research in creation about us, and we discover that some of its avenues lead directly to the farm. Indeed, this pursuit has made every department of nature tributary.

That a destructive system of husbandry has been pursued in this country, is no less remarkable than true. The soil has been gradually and perceptibly diminishing in productiveness. The foundations of our national prosperity as an agricultural people have been sensibly giving way. The only compensation has been an enlargement of this foundation so as to cover new lands, in order to supply the waste of the old. This yearly consumption of capital, leaving the several districts poorer in the wealth of the soil, is a subject that may well demand the attention of the political economist. This country is strictly agricul-

tural. This must always be true of the principal part of the West. Should this process of soil-impoverishment continue, the limit of our population must be a very narrow one. It is well worth our serious consideration whether we are not inflicting an irreparable injury on the future of this country by this wasteful and destructive policy of farming. The coming greatness of the whole North-west is centered in her agriculture. If we seek to augment the wealth of the land, we must do it through her agriculture. If we wish to build up our works of internal improvement, and establish on a firm foundation the facilities for substantial material prosperity, it must be effected through our agriculture. If we look to the accumulation of means for the great work of educating the mass of the people, or prosecuting any benevolent enterprise, we must depend on our agriculture. If we desire to augment the power of the West in a political point of view, creating capital that shall invite population, laying a solid basis for the support of a mighty people, the road is open to us principally in the direction of agriculture.

In referring to the gradual deterioration of soil, the late James F. W. Johnston, the English agricultural chemist, says : "General illustrations of this sure though slow decay, may be met with in the agricultural history of almost every country. In none, perhaps, are they more striking than in the older slave States of North America. Maryland, Virginia and North Carolina—once rich and fertile—by a long continued system of forced and exhausting culture, have become unproductive in many places, and vast tracts have been abandoned to apparently hopeless sterility. Such lands it is possible to reclaim, but at what an expense of time, labor, manure, and skillful management ! It is to be hoped that the newer States will not thus sacrifice their future power and prospects to present and temporary wealth—that the fine lands * * * * which now yield Indian corn and wheat, crop after crop, without intermission and without manure, will not be so cropped till their strength and substance is gone ; but that a better conducted and more skilful husbandry will continue, *without diminishing*

the present crop, to secure a permanent fertility to that naturally rich and productive country."

Our country in all the sources of prosperity and greatness, will be blighted by the impoverishment of our soils. Destroy the fertility of our lands, and you drive population as well as capital from us. Make our farms rich, increase the intrinsic value of the soil, and Michigan will not only retain her inhabitants, but will be a centre of immigration; she will be a spot sought by the wealth-loving citizens of other States.

"By a calculation that appeared several years ago in a Report of the United States Patent Office, it was estimated that *one thousand millions of dollars* would not more than restore to their original richness and strength the *one hundred million acres of land* in the United States which had already been partially exhausted of their fertility." That sum at this day is probably far below the true amount. The loss in the products of the soil every year from its impaired fertility, is doubtless vastly more than the whole expense of the General Government. Indeed, I am convinced that should the soils of the United States be restored to their original richness, the increased profits of our husbandry would more than equal all the expenses of our Government—National, State and local.

Now every intelligent agriculturist knows that by a judicious system of farming, which would have been temporarily and permanently profitable, all of this destruction of farming capital could have been saved. Now why has it not been saved? Certainly this waste has not been premeditated. It must have been from an ignorance of those foundation principles in Agriculture by which men acquire wealth more rapidly by gradually enriching the soil, than by gradually impoverishing it. May not the farmer derive profit from an acquaintance with those laws of nature which he must call to his aid in developing the products of the soil, and on which he is wholly dependent for his success?

But we believe the day is dawning on this night of darkness.

The following admirable sentiments are quoted from Dr. Lee's Report to the Secretary of the Interior :

"Many who have labored for the improvement of Agriculture and the elevation of the Agriculturists, for a quarter of a century, with little hope of reward, now realize the beginning of an auspicious change in public sentiment. Thanks to agricultural societies and journals, the people will soon discover that labor and capital devoted to tillage and husbandry, are as worthy of legislative consideration and aid, as when applied to mining, commerce and manufactures.

It is indeed wonderful how long those enlightened farmers, who, like Washington, cherish a due respect for their high calling, have had to beg and beg in vain, of State Legislatures and Congress, for a little assistance to prevent the universal impoverishment of American soils. Neither the earnest recommendation of the illustrious farmer of Mount Vernon, nor the prayers of two generations of agriculturists, nor the painful fact that nearly all the tilled lands were becoming less and less productive, could induce any Legislature to foster the study of Agriculture as a science. Happily this term when used in connection with rural affairs, is no longer the subject of ridicule.

A great principle is involved in the science of Agriculture, which reaches through indefinite generations, and forms the basis of all possible improvements, and of the highest hopes of our race. As a nation of farmers, is it not time that we inquire what means, and on what terms the fruitfulness of the earth, and its invaluable products may be forever maintained, if not forever improved ?

These are questions of universal concernment, to the careful and rigid investigation of which, no man should refuse to lend a listening ear. A governmental policy which results in impoverishing the natural fertility of the land, must have an end. It is only a question of time, when this truly spendthrift course, this abuse of the goodness of Providence, shall meet with its inevitable punishment.

A lack of mental culture and discipline is the most serious

impediment to the diffusion of agricultural science among the farmers. Its language to them is an unknown tongue. Hence the sublime truths in the economy of nature are shut out from the popular understanding. It is feared this will ever be the case until schools designed to teach these branches of learning, which the farmer greatly needs but does not possess, are established and maintained throughout the United States."

There is deep wisdom in the remark of Dr. Lee, that "a great principle is involved in the science of Agriculture which reaches through indefinite generations, and forms the basis of all possible improvements, and of the highest hopes of our race." The wealth of the world must ever keep pace exactly with the value of the products of the soil. Diminish the fruits of the soil, and you must curtail other branches of business. Increase the fruits of agricultural labor, and other departments of business will admit of like expansion. The wealth of the world, the extent of its population, the means of civilization and human enlightenment, and all its forms of material power, rest on Agriculture as a basis, and you can never shift them from this foundation. Should not therefore the promotion of this pursuit be a leading purpose of the race? Should it not receive the first and chief attention? As from it all other trades derive their life and support, is it not the height of folly, and even suicide to ignore its claims?

Although in the history of nations Agriculture has generally been the last pursuit to receive legislative aid, either directly or indirectly, yet it has generally been the fault of farmers themselves. An earnest and united appeal to our law-makers from this powerful class could not certainly be disregarded. Indeed, our law makers depend on the votes of farmers for the position they hold. The trouble has been that the need of any special preparation for the duties of their calling has too seldom been distinctly realized.

The wind that blows, the rain that falls, the sunlight from heaven, the lightning flash, the mountain that rears its top to the skies, the valley that divides the highlands, the broad ex-

panee of ocean, the immense sweep of the prairies, the position of lakes, the relations of marshes, the contiguity of forests, every condition, indeed, of the physical world, modifies its agriculture. The Deity has placed the farmer amid the most splendid collocation of forces. They sport about him, above him, and beneath him. Grand, like the surgings of the atmospheric ocean; terrific, like the vivid flash of lightning, or silent as the sunbeam painting the face of nature with its gorgeous colorings; this grand array of forces combine their influence to make the vegetable kingdom what we find it. Whether he realizes the fact or not, the tiller of the soil is dealing with the most delicately adjusted forces; and the success of his labors depends on the harmony with which he works these forces. Is there no advantage to the mariner in understanding the sea on which he sails; the traveler, the country through which he travels; the warrior, the plans of the enemy? Has the painter no need of vision; the musician no need of hearing? And has the farmer nothing to gain from comprehending these laws of nature, which he must daily handle, and whose behests he must obey?

Medical and law schools have been established and sustained simply because they were demanded by this class of our citizens. Young men entering these professions have felt the need of some special preparation that cannot so well be secured in any other way. And it cannot be doubted that if, with the same unanimity, agricultural colleges had been demanded by the farming community, they would before this have been in successful operation in every State of the Union. So far as numbers are concerned, and power, too, if their influence were concentrated and brought to bear, the government is in their hands. They own the capital and they cast the votes; and they have only clearly to discern the advantages within their reach, to be induced to stretch forth their hands and lay hold upon the gain they may secure.

Happily the lethargy which has rested on this class of our citizens is fast being dispelled. The sound has gone forth, and

the notes of preparation are being heard all through these States. An increased interest is daily being felt in the subject of agricultural education. The farmers begin to realize that they have rights which all men are bound to respect, and if asserted, they will be respected, for both interest and inclination will combine to effect this result.

Permit me, partly as a recapitulation, to present connectedly and briefly some of the benefits which are expected to flow from an Agricultural College.

1st. It will be a source of original knowledge. The experiments instituted cannot fail in time to advance the science of Agriculture, both by revealing more successful methods of farming, and warning against those processes that are unprofitable. Much light should originate from this source. With the cordial co-operation of intelligent farmers throughout the State, suggesting experiments and tests which would solve questions practically important; feeling that the Institution was founded to aid them, and that they are doing here by proxy that which it is often impossible for private farmers to furnish facilities to accomplish by themselves; and being governed by enlightened views, we can unitedly make this Institution a guiding star to the farmers of the State. Farmers of Michigan, the College is yours, and it is in your power to make it eminently useful.

2d. By the labors of the farm the instructions of the lecture room may be illustrated and impressed on the mind. In gaining a knowledge of the scientific principles involved in Agriculture, practice should never be separated from theoretical instruction. Young men should not only learn the principles, but they should be taught to apply them, and thereby they learn them more perfectly and in a wider sense.

3d. The Institution furnishes extensive means of instruction in the scientific principles of farming. The truths established by experiments prosecuted in different parts of the world are presented; the student is made acquainted with those facts and laws of the mineral, vegetable and animal kingdoms which throw any light on the philosophy of Agriculture. Special

facilities, such as Laboratory, Museum, Cabinet, Herbarium, Botanical Garden, are provided for imparting instruction such as no farmers can derive from a private source.

4th. Agriculture becomes ennobled by its association with study. Being the leading element in a college course in a State Institution, it is invested with an importance, educationally which is not usually awarded to it.

5th. Manual labor is made honorable, and all become impressed with the idea that it is honorable. There is a feeling too prevalent among the young that it is dishonorable to labor. Here is a positive requirement. It is indeed an essential element in the success of the Institution, and all are taught to look upon it as a part of a great plan to accomplish an important work.

6th. It will exert a strong influence in retaining educated young men in industrial pursuits. In almost every case young men in college acquire a disinclination to labor, as well as a physical incapacity for labor. They are shut out from the laboring world; they do not mingle with it; they lose their sympathy for it; they are accustomed to regard themselves as occupying a peculiarly favored place among the laboring class. Hence they crowd what are called the learned professions as presenting attractions peculiarly suited to their tastes. College training generally draws an impassable line between educated talent and the industrial world. If the object be to educate all classes, this certainly is a serious evil. Says one of the Professors in our own State University in a communication some time since given to the public, "In the University designed for the training of professional men, the destined agriculturist will not only fail to obtain that *kind* of liberal training, and scientific knowledge which are adapted to his life, but there will be nothing congenial in the atmosphere of such an institution to the moral and social nature of the farmer whose habits of life remove him from those who resort to Universities."

The truth of this statement is plain to all. The spirit of such

institutions is necessarily adverse to the habits of the working classes. Take four or five years of that part of a young man's life in which he is cultivating the mind, acquiring habits of thought, assuming mentally a fixed character ; in which he is making preparation for his future career, and shut him out from the business world ; keep him from mingling with it, give him an entirely different atmosphere ; make him breathe it, and get accustomed to it, and love it, so that his habits of thought and his spirit shall be wholly disconnected from industrial pursuits, and will you not effectually produce a total alienation of his life from those scenes requiring labor ? How can it be expected that a man will become interested in labor when you educate him to neglect and wholly ignore it ? And just so long as our colleges pursue their present system, will there be an inevitable tendency to form two classes in society, the uneducated laboring class, and the educated non-laboring class. Now I look upon the system of Agricultural Colleges, imparting a knowledge of Agriculture, and embodying labor as an essential element, as designed to work the grandest results in favor of industrial pursuits, by retaining the sons of the farmer on the farm, and thrusting educated talent into those branches of business demanding labor. Should these be the only beneficial effects growing out of these institutions, they would amply repay the cost. They would ultimately increase the farming capital far more than the expense incurred in their support.

7th. Agricultural Colleges afford physical as well as mental education. There can be no question but that close study without labor or vigorous exercise, shortens life. The organization of our Institutions of learning, should be such as not to endanger health. This is certainly of the utmost importance. Experience, as well as theory in this Institution, sustains the fact that a certain amount of labor contributes to the health of the student, while at the same time it does not in the least arrest mental progress, but rather promotes it.

8th. The Agricultural College will exert a direct influence on the education of the young. The departments of science which

must here receive especial attention, are precisely those which are now monopolizing the thoughts of the most learned men of the age. There is everywhere, indeed, in this particular line of study, intense activity. Scientific associations are formed, scientific journals published, and the liveliest interest is manifested in bringing to light those mighty truths of nature which have too long been concealed from our view. Men are giving their lives without hope of pecuniary reward to the prosecution of these scientific researches. And it is a significant fact that these several branches of science, which necessarily form the principal part of the course of study in an agricultural college, and which must receive a much larger share of attention than can be devoted to them in other institutions, are the very studies which are now profoundly taxing the intellect of the scientific world. In this way an agricultural college naturally and necessarily falls into the spirit of the age, and moves in the same channel of truth. Thus while science, in its rapid development, cannot fail to lend important aid to agriculture, agricultural colleges must reciprocate the favor by entering into the work of scientific researches.

9th. There are moneyed arguments in favor of such an institution. I have before said that the more scientific the farming, the more successful it is ; and that it is successful because of its conformity to nature's laws. By giving instruction in genuine scientific agriculture, not the intangible, chimerical theories of the speculatist, but theories dignified into substantial, well-established science, much good must be accomplished in a pecuniary point of view. Is it possible that a man should not be benefitted by an intimate acquaintance with the material on which he bestows his labor? The light that would emanate from this source, being felt all through our State, in its aggregate influence, would add much to the productiveness of our farming capital. Again, by elevating the character of the people of the State, raising the reputation of this commonwealth abroad, it will aid in inviting among us men of intelligence and capital, thus adding to our sources of income far more than the cost of

the support of the college. Capital will always centre where there exist the most intelligent means for its use.

10th. But all who enter such an Institution may not go forth from the College to labor on the farm, but many of them will engage in other pursuits in life. This may be true, as it is with all our professional schools. But 1st. A vastly larger proportion will devote themselves to Agriculture, than though they pursued their studies in other Institutions ; and 2d. Every class of men of whatever calling, would be benefited by a knowledge of Agriculture as a science and art. This is the great and leading interest of the land. All men in this country must in one way or another, come in contact with this Agricultural element. This foundation art, then, in the business world, whose facts are woven through every department of life, and which meet us in almost every transaction, should be studied to some extent by all. Aside from the beneficial effects of this system of study on health, and its favorable influence on habits of industry, the young would acquire a knowledge of the principles and practice of this, the most wide-spread and pervading branch of business of the whole country, and which is intimately connected with our prosperity as a nation. I can see a special advantage accruing to persons in almost every pursuit, from a somewhat minute acquaintance with this subject ; an advantage not derived from any other art. But when in later years men retire from the more stirring scenes of business or public life to the quiet of the farm, as they almost universally seek to do, they find a more direct and practical use for the knowledge they acquired in earlier days. It is well known that the most unprofitable, and often ruinous expenditure of means are seen among that class of men who, without any previous experience, undertake the management of farms at a somewhat advanced age. They discover when it is too late, that Agriculture is not so simple an art as they had supposed, and that previous study and practice are absolutely necessary to success.

At this period in the history of the Agricultural College, and while the subject of similar Institutions is engrossing so large

a share of the attention of the American people, it may be well for us to stop and consider whether the system which was recommended by the State Agricultural Society, and adopted by the Legislature at its session in 1855, and which has, therefore, become the policy of the State, was wisely planned, or whether a radical mistake was committed in the organization of the College. This is certainly a pertinent inquiry at this particular time, when the public sentiment of the several States which are now establishing industrial Colleges is with great unanimity drifting toward the creation of separate and independent Institutions.

If this sentiment be wrong, we should seek to correct it; if right, the reasons for it will appear upon due reflection. Michigan is the accredited leader, not only as regards the priority of time of founding an Agricultural College, but also the form of organization; and the responsibility of the position we occupy is thus correspondingly increased. It is not simply the success of our own Institution that is involved; but of a great enterprise on which several States of the Union have already embarked.

The principal reason, and indeed the only one that can be given for attaching Agricultural Colleges to other institutions, that appears to have much force, is that of economy. But is not this vague notion of economy to a great extent dispelled by a close analysis of the subject? Those who have imagined that a Chair of Agriculture, simply in our ordinary Colleges, is all that is required, have formed very inadequate views of the wants to be provided for.

In the first place, there is scarcely a professorship that is essential in a separate Agricultural College but that would have to be organized in addition to the regular force if it were but a department. I need scarcely remind you that the branches which constitute the principal part of the course of study in an Agricultural School are precisely those to which ordinarily the least attention is given in College. For illustration. Usually but few lectures are given in Zoology. In an Agricultural College, the importance of the subject requires

that Zoology and Animal Physiology should employ the whole time of one man. Ordinarily, also, but a few weeks are devoted to the study of Botany and Vegetable Physiology. In an Agricultural College the extent of scientific and professional instruction demanded in this department, renders a separate Chair of Botany and Vegetable Physiology indispensable. In Colleges of "Arts, Sciences, and Literature," the Chemical Department generally embraces simply Elementary Chemistry. In an Agricultural College, the applications of Chemistry to Agriculture must constitute the principal part of a professorship. Geology and Mineralogy usually receive but little attention in College; and Meteorology none at all. The intimate relations of these sciences to Agriculture afford scope and labor enough to employ the whole time of one man. In Mathematics the subject of Rural Engineering is supplementary to the instruction given, and necessarily increases the expense. It was well said by Gov. Blair in his inaugural message, that the Agricultural College "should teach far more thoroughly and extensively the sciences that relate to Agriculture than any ordinary College." In addition to all of this, aside from the Mechanic Arts, the general subject of practical Agriculture opens up a wide field of instruction which must also be provided for.

Thus, if the object be to teach scientific agriculture, an extensive acquaintance must be secured with those sciences which explain the philosophy of Agriculture. A Chair of Agriculture, then, without the means of acquiring a thorough knowledge of those sciences which lie at the foundation of this art, every one will readily see, could not accomplish the object sought. Therefore, to cover the additional instruction demanded in our Colleges and Universities, should an agricultural department be attached, the Faculty must be increased by at least four or five Professors. An entirely new course of study must be established, differing almost as much from the general course as that of law or medicine does from the arts and sciences.

Passing from the cost of instruction to the facilities required, and what do we find? Whether the Agricultural College be a separate institution or simply a department, in both cases there must be a practical farm to illustrate the instructions of the lecture room. In both cases must there be an experimental farm to improve the science of agriculture. In both cases must all the stock and implements for working the same be provided. In both cases must there be a Botanical Garden, and seed room. In both cases must there be a Kitchen Garden for instruction in this department of husbandry. In both cases must there be a Veterinary Hospital. In both cases must there be collections in Botany and Zoology, with special reference to the application of these sciences to practical agriculture. In both cases should there be an Agricultural Library, differing essentially from the libraries usually attached to colleges. Indeed, Agriculture being a specialty, its facilities and appliances must also be specialties.

But the foregoing are negative reasons. Doubtless the agriculturists of Michigan who originated the College, and insisted that it be made a separate institution, were governed by what they considered good and sufficient reasons.

They unquestionably discovered the fact that from the nature of the case success could be obtained only by making Agriculture the central and leading idea of the institution; that to make it subordinate would inevitably crush out its life; that like the water of the outer circles of the maelstrom, it would be drawn to the engulfing centre and be swallowed up and lost forever. Agriculture must be the grand nucleus around which all the parts revolve. It must be that in which the whole organization centres. It must be the heart of the Institution, the very sun of the system with its light and heat, rather than the dependent satellite.

Agriculture has far less attractions for the young than the professions. It is very seldom that the farm is chosen in preference to what are called the learned professions, if all are equally accessible. There is a degree of eclat attaching to the

latter. There is more that is captivating in the name; and they offer higher assurances of speedy success, and seems to point out an easier road to distinction. It is well known with what eager steps our young men who have been favored with academic and collegiate instruction, press towards these professions. The charm may be a delusive one, but yet it has its hold upon the mind. The result is, and experience confirms the theory, that where these elements exist together in the same institution, the agricultural is absorbed and swallowed up by the others.

Every one admits that manual labor is essential in an agricultural college. It is necessary to illustrate the principles taught; it is necessary in the prosecution of experiments; it is necessary to prevent that distaste for labor which gradually grows out of its neglect. Now who does not clearly see that you cannot blend the laboring and non-laboring elements in the same institution. That false pride which afflicts the young even more than the old, will make the non-laboring the popular, aristocratic portion, and the others will be looked upon as the "mudsills" of the college. Although sensible men in mature years know that labor is not degrading, but dignified and honorable; yet there is a species of inflation that fills the head of Young America when he enters college, that according to his own estimate lifts him above industrial pursuits. I need not argue the question; you all know that a cast would be thus produced, that must be fatal to the weaker and less influential elements in the organization. In a separate agricultural college, where labor is required of all, without distinction, there are no degrading notions attaching to it. A student that is indolent or inefficient in the field, ranks but little higher than does a blockhead in the recitation room.

Some ten years ago the Commonwealth of Massachusetts appointed Commissioners to consider the subject of establishing an Agricultural College, and in prosecuting the duties assigned, Professor Hitchcock, one of the Commissioners, visited the prin-

cial agricultural schools of Europe. In their report we find the following remarks :

"European agricultural schools have taught us some important lessons.

Agricultural professorships, in colleges and universities, are not sufficient.

1st. Because lectures of this sort attract but few of the students of the colleges, who are looking forward to professional life. Such is certainly the case everywhere in Europe.

2d. Because the two classes of students who would thus be brought together, would have too little sympathy to act in concert, and as equals in the same institution.

3d. Because without such concert and sympathy, one or other of the classes of students would feel no pride in the institution, and without such an *esprit du corps*, it could not prosper.

4th. Because such professorships, unless numerous, would be entirely insufficient to accomplish the object desired."

Again the Commissioners remark :

"We learn from European experience, that independent agricultural institutions are essential to accomplish the object sought.

1st. Because the field is wide enough to require such establishments. The principles of agriculture are based upon a large part of the physical sciences ; and it requires a good literary education to understand those sciences. No man can understand the *principles* of farming who is not more or less acquainted with Chemistry, Anatomy, Physiology, Botany, Mineralogy, geology, meteorology and geology ; and then the practical part requires an extensive acquaintance with various branches of mathematics and natural philosophy. There should be institutions entirely devoted to a thorough instruction and investigation of the subject.

2d. Because it demands extensive collections of various kinds, in order to elucidate the principles of husbandry ; enough, indeed, to belong to any scientific institution, and too many to

form a mere subordinate branch of some institution with a different object in view.

3d. Because the number of instructors must be so large that they could not conveniently form an adjunct to some other institution.

4th. Because the interests of agriculture are large enough to demand an institution definitely consecrated to their promotion. No other art is so important, and I may add, no other is so difficult to be successfully cultivated; and therefore every means possible should be employed to render it assistance. * * *

In Europe they have started institutions with as ample a foundation, and as numerous a body of instructors, as we find in in most of our American colleges. Nothing short of this will be sufficient for our country; nay, we fancy that at least one such superior institution is needed in each of our States. The work to be done is too great, the number of teachers too many, and the amount of various collections too large, to attempt to attach an agricultural school to some other institution; and that too as only a subordinate branch."

In another place they state that "essentially the same reasons, and of greater force, exist for the establishment of agricultural schools in this country, as in Europe," but I cannot stop to present the reasons given.

It cannot be doubted, then, that the farmers of Michigan and the Legislature acted in accordance with the experience of European institutions, and principles that are almost self-evidently true, in providing for a separate and independent organization of the Agricultural College; and that the prevailing sentiment in those States which are now establishing similar institutions, is founded on good and incontrovertible reasons. Public sentiment, indeed, coolly and dispassionately formed, is not very likely to be far out of the way.

But an agricultural college may be well enough, and indeed quite desirable, did it not cost so much. I know it has cost money to purchase the farm. I know it has cost money to erect the college building and boarding house, and as they were

found to be somewhat defective, expense has since been incurred in making them substantial. I know it has cost money to erect dwelling houses, but on which the institution is now realizing rent. I know it cost money to purchase stock and implements for the use of a large body of students in working the farm. I know it cost money to clear and subdue between two and three hundred acres of land, most of it heavily timbered, and that too by the labor of boys, as there was no cleared land on which their labor could be bestowed. I know it cost money to provide fixtures for the boarding house, and apparatus and other means of instruction in the college building. But I have yet to learn that any fault has been found with the expenditures of the past two years, as the outlays above enumerated and necessary for putting the institution in operation, were made previous to this time. Every body knows that the principal part of the expense must be incurred at the opening of the college. And you will not fail to remember that the institution went into operation just at that particular juncture when from various causes, lands, stock, wages, every thing could be procured only at extremely high rates. Unfortunately it was the most unpropitious time within the past ten years for the opening of the college. And in common with private farmers, until the past year, we have suffered from unfavorable seasons. During 1859 our crops suffered by the frosts to the extent probably of \$2,000. It is well known that on new lands you cannot guard against frosts, or droughts, or excess of rains as well as on old lands.

But the past is gone, and it is the future only with which we have to do. Taking the Institution as we find it to-day, how great a burden will it be to the State? The College is observing the closest economy, and we think we shall be able to show that the day is not very far distant when it will in great part, if not entirely, cease to be a tax on the Treasury. The State Board of Education have asked for an appropriation of \$25,000 for the coming two years, which has received the recommendation of both Gov. Wisner and Gov. Blair. It will be seen by an

examination of items, that no unnecessary or extravagant demand has been made. The amount has been reduced to the lowest possible sum. Economy should be studied in public as well as in private enterprises. Were the amount \$30,000 instead of \$25,000—that is, \$15,000 a year—it would be at the rate of two cents to each inhabitant. Do the people of the State realize the difference this makes in their taxes? Were the capital of the State \$300,000,000 according to the true valuation, and by the Report of the Auditor General it is now nearly that amount, \$15,000 would be a tax of one-twentieth of a mill. \$100 would be taxed $\frac{1}{2}$ cent; \$1,000, 5 cents, and \$20,000 would sustain a tax of \$1. Should the annual appropriations then be \$15,000, which is more than is asked, as the capital of the State increases, the rate of taxation will be gradually reduced. To nineteen-twentieths of the people of the State this tax is wholly inappreciable. You strike it out of the assessment and it would not be known.

But it is wholly unnecessary for me to make these statements here before this company of intelligent Legislators. Every thoughtful man knows that the whole expense of the State government even is no real burden upon the people; but that nearly all the taxes collected are appropriated to county, town, and school-district purposes, aside from the labor bestowed on the highway. It is not the taxes men pay that eat up their income, but the hundreds of little things which are considered trifling at the time, but which, should they be taken in gross, would appear enormous. To illustrate my meaning, take a single item. A tobacconist informs me that he estimates the value of the tobacco manufactured in the State at \$500,000. But as a large part of the tobacco consumed here is not manufactured in Michigan, the consumption must far exceed this amount. Should the people of the State refrain from the use of this *delicacy* for but a single year, and appropriate the savings to such a purpose, how many public institutions think you it would build up? It would certainly be a long time before Michigan would be called upon to appropriate

anything further for her asylums or other public works. The appropriation asked for the College the coming year, would not buy a cigar apiece for one-half of the people of the State.

The Legislature three years ago, authorized the College to take possession of certain swamp lands situated in the townships of Dewitt and Bath, in the county of Clinton, and Lansing and Meridian, in the county of Ingham, amounting in all to a little less than 7000 acres. Some 3200 acres of these lands are in one continuous mass, and are situated about $2\frac{1}{2}$ miles due north from the College, and are connected with the College Farm by other portions of the swamp lands, with the exception of $\frac{1}{4}$ of a mile in three different places, making $\frac{3}{4}$ of a mile in all. A road, therefore, constructed from the College Farm to this large marsh on the town line separating Lansing from Meridian, would be on the line of these lands, and would also serve for drainage of the same. Should the Legislature comply with the recommendation of Governor Wisner, and put the fee of these lands in the officers of the College in trust, with the privilege of selling the scattered portions that are not needed for use, and applying so much of the proceeds of the same as may be required for drainage of the balance, and vesting the remainder as a permanent fund, there is every reason to believe that within a few years the State will be almost entirely relieved of the support of the College.

Many of you are aware that this tract of swamp lands, situated just north of the College, is, for the extent of surface it covers, one of the most valuable in the State. A small stream runs along its western border, and towards which from the east there is a gradual descent over the whole marsh. Arrangements were made for commencing the drainage of the same the past summer, and a small sum of money, was set apart for that purpose; but the high water occasioned by the heavy rains, rendered it impracticable without increased expense. On this tract of a little more than 3000 acres, there are some 2000 acres of open marsh, on which no timber is standing, which only needs to be intersected with drains to be as dry and smooth as

any meadow in the State. Then by seeding with Timothy and Red-top, without the labor of ploughing or harrowing even, the wild grass becomes gradually and rapidly eradicated, and a beautiful and most productive meadow is formed. The surface settles and becomes compact, so that a mowing machine may be used as conveniently as on our best upland meadows. This large marsh can be drained at a trifling expense; with less money than would probably be required to fence the same amount of land; while the ditches thus opened would also serve to a great extent in place of fences, so far as required. Thus, in a very few years at a trivial cost, an exceedingly valuable meadow will be secured, which will bring a large revenue to the College. Lands in the same vicinity which have been thus treated, are now valued at \$50 per acre. On the outskirts of this marsh as a part of the same tract, are several hundred acres of the finest quality of upland.

That the resources of this tract will be thoroughly husbanded and be made speedily available, it is only necessary for me to state that it will be under the direct supervision of Mr. James Bayley, the present Superintendent of the College Farm, who is known to be one of the most practical and successful farmers in the State.

Agriculturists are now turning their attention more than ever before to the raising of stock. The fact is beginning to be realized that the largest profits can be secured only by preserving the fertility of the soil; and that in no other way can this fertility be so economically preserved as by means of stock-husbandry. It is plain to every thinking farmer, that there is not half the exhaustion of soil in raising stock as in an exclusively grain husbandry, provided due care is exercised in the preservation of the manures on the farm. To this department of farming must the College give special attention, both for the profit pecuniarily, and the varied instruction which can thus be imparted to the students pursuing their professional studies here, as well as for experiments for the benefit of the people of the State.

It was a very judicious and far-seeing measure of the Legislature of 1858, in reserving these lands from sale for the use of the college ; and if now secured to it by the legislation that is asked, there can be no doubt but that the principal part of the current expenses of the Institution may in a few years be defrayed from this source.

It will be remembered that two years ago a bill passed both houses of Congress donating to the States for the purpose of establishing and endowing agricultural colleges, lands to the amount of 20,000 acres for each member of Congress according to the ratio as should be decided by the census of 1860 ; but this bill failed to receive the signature of the President of the United States. Had this become a law, Michigan would probably have received 160,000 acres of land, which in time would have furnished an ample endowment. May we not reasonably hope that this policy, or one similar to it, will yet be carried out by the general government. Grants of lands have heretofore been made to the States for the endowment of universities, including not only the arts, sciences and literature, but also the professional departments of law and medicine. Can any valid ground, therefore, be urged against the endowment of agricultural colleges from the same source, which are designed to give instruction in the principles of that department of business which monopolizes more of time and capital than all other pursuits combined ?

There is nothing more reasonable than the desire to understand the principles involved in our chosen pursuits. We certainly are not automata ; we have intellectual capacities, and it is a leading purpose of nature to minister to the wants of this thinking being. The farmer is dwelling in a museum of wonders ; and ten thousand forms of beauty too delicate for the un-instructed eye seek to charm the soul. There is here enough for the mind to feast upon forever. The commonest things about us are full of lessons of wisdom. This volume of nature is written all over with the most glowing truths. It is, indeed, the embodiment of God's great thoughts ; a material working

out of his plans ; an exhibit of that endless fertility of mind which belongs only to Deity. Shall we not open this volume of truth to the busy world? Shall we not introduce the young who are to labor amid these silent but omnipotent forces, to the associations which surround them? Indeed, if there be any educational arguments in favor of any class of our citizens, do they not emphatically apply here? But passing by all educational considerations in favor of such an institution, considerations of immense importance when we take into account the adaptation of these truths of nature to the development of the mind, and the great multitude of men who from the labor of the farm are thrown within their reach, and the vast amount of talent that might thus be developed to re-act on the world in its various channels of progress ; passing by these all, we say, let us ask the question, as every Yankee is sure to do, will it pay pecuniarily?

In the Patent Office Report of 1847 appears the following remark : " It is a question worthy the attention of agriculturists and political economists, whether there was not absolutely more wealth invested in our soil, in fertilizing matter, at the time Columbus discovered America, than there is above the surface in improvements and investments of every kind." There is no one subject to-day that so earnestly demands the attention of the American people, as the gradual and alarming exhaustion of our soils. Every consideration requires that this be arrested. The 3,000,000 acres of improved lands in the State certainly yield \$15,000,000 to \$20,000,000 less of products annually than they ought to do. Why is there this fearful waste? It can only be ascribed to improper management. How is this evil to be corrected? It can only be done by the great mass of the people acquiring a better knowledge of the theoretical and practical principles of Agriculture. By what means may this knowledge be acquired? The great school of practical Agriculture is and always must be the farm. It is almost impossible that a mere theorist should ever succeed. The whole *modus operandi* of Agriculture can be learned only by experience.

The practical sense and shrewd discrimination gained by a long familiarity with the every day details of the farm, are indispensable to success. But an art so thoroughly interwoven with the great kingdom of nature, an art which is never beyond the reach of the myriad forces of the material world, also pre-eminently demands close discriminating thought, and the widest range of study and research. You all know that the best farmers are those that think the most, and gain the most thoroughly practical knowledge of the philosophy of things.

Our agricultural associations may accomplish much good for the farming interests ; and also our agricultural press, when conducted by sound, experienced farmers. But it is evident these cannot accomplish the whole work. That which has seemed to offer the highest assurances of success in supplying this great want are agricultural schools. This is the general sentiment of Europe, and many of their official reports show remarkable effects on the improvement of agriculture in the districts where these schools are located.

But as I have already presented some thoughts on this subject, I shall not dwell on it here. And yet if so far as agriculture is concerned, there be no profit in studying its principles ; if the struggles of the mind in its search here for truth, will fail in time to reap their reward ; if the power of thought in this domain of God's works was given us for no purpose, then certainly this is a lamentable exception to his otherwise universal laws. We have then found one field where truth was not made for the mind, and mind is not fitted to seize hold upon the truth, and turn it to useful purposes. Then surely we have found a mighty chasm in the plans of Deity ; we have found the separate parts of his creation warring against each other. But this cannot be. Mistakes may be committed, but the truth will ultimately find the light. Arouse the whole farming community to thought and study. Let them determine the why and wherefore of every process. Let them look into the philosophy of nature, and understand those sublime laws which are building up the vegetable and animal kingdoms. Let them form an

intimate acquaintance with those forces which constitute the life of their art, and good will result, or else reason was given us in vain.

The beneficial effects of this union of scientific researches and practical agriculture on the products of the State, must necessarily be gradual and silent. But these silent results are sometimes the most momentous. Should the increased interest thus excited in the philosophy of agriculture but partially restore our lands to their natural fertility, the aggregate benefit might still be greater than the whole expense of the College. Should it in time increase the products of our improved lands on an average not more than one dollar per acre, upon the 3,000,000 acres of cultivated lands, it would amount to \$3,000,000. In 1854 the average yield of wheat in this State was little less than 14 bushels per acre. This is certainly far below the natural capabilities of our soil. And the history of American agriculture has been that the yield per acre of our staple crops has gradually been growing less.

In 1840 the yield of wheat in the New England States was 2,014,111 bushels. In 1850 it was 1,090,132 bushels. The yield of potatoes in 1840 was 35,180,500 bushels. In 1850 it was 19,418,191 bushels, while in most of these States stock-raising has gradually assumed less importance. In the State of New York in 1825 there were 7,160,967 acres under improvement. In 1855 it had increased to 26,758,182 acres, yet the number of sheep had decreased nearly 300,000, and within five years the decrease had been nearly 50 per cent. ; and the number of horses, cows and swine had decreased over 15 per cent. In 1845 the yield of wheat in the same State was 13,391,770 bushels. In 1857 it was only 6,000,000 bushels. In 1844 the average yield of corn was 24.75 bushels. In 1854 it was only 21.02 bushels. It is estimated by competent authority that the annual loss from want of skill in Massachusetts in the cereal grains is \$2,000,000, and in stock, dairy, &c., \$15,000,000. Thus we might continue, piling up facts without number from every part of the Union, showing the decreasing

fertility of American soils. It is calculated from reliable sources that the loss of capital in the United States from the depleted condition of our soils amounts to more than \$166,000,000 every year. Is this not a prodigal waste?

It is easy to see towards what goal we have been tending. We must by some means arrest this downward march, or we shall seriously impair our industrial and political prosperity. We must then consent to take a far less prominent position among the nations of the earth than is otherwise within our reach. This is not a question that should claim the attention of the farmer simply; it should claim the attention of the statesman; it should claim the attention of every one who would give prominence to the free institutions of America. Can too much be done to stop the fearful impoverishment of our natural wealth? Is it not worth our while to make this subject our special study? Is it not worth our while to seek to turn the best talent of the country towards this pursuit? Is it not worth our while to bend far more of our efforts to the solution of the great problems of agriculture, and the dissemination of the results of practical and scientific inquiries among the mass of the people? In the single item of manures, I have no doubt there are hundreds of thousands of dollars, and perhaps millions, wasted every year in Michigan, from ignorance of their composition and properties, and the best and most economical methods of preservation. Is there not a practical field open for instruction?

It was not a vain remark of the Father of his Country, that he "knew of no pursuit in which more real or important good could be rendered to a country, than by the improvement of its agriculture;" and I doubt not this sentiment finds a warm response in the hearts of the farmers of Michigan.











[No. 4.]

MINORITY REPORT of the Committee on Judiciary, relative
to the Reform School.

The undersigned, a minority of the committee on the judiciary, dissents from the views of a majority of the committee in proposing amendments to the recited sections ten and twelve of the bill relating to the reform school (House bill No. 33), and respectfully submits the following:

The bill, as it now stands, proposes to change the present law, by confining its operation to boys, by taking from police magistrates and justices of the peace the power to sentence to this institution for the malicious destruction or injury of personal property, and by otherwise amending it so that this class of officers shall be able to understand what it means.

Upon the organization of this institution, the law authorized sentences, for terms depending upon the character of the offense, by all criminal courts, of all persons under twenty-one years of age convicted of large or petty crimes. It became a substitute for the common jail, more than for the prison. It cost less in individual cases to the counties. Very soon it was seen to be

necessary either to impose longer sentences or to abandon the hope of reforming the criminal. There was an impropriety, also, of associating those who had been guilty of prison offenses with the comparatively innocent who, had they been adults, would have been adequately punished by a small fine or a few days imprisonment. The Legislature of 1857 very properly, in the opinion of the undersigned, remedied the existing difficulty by allowing no person over sixteen years of age to be sentenced to this institution, requiring that sentences should be until the offenders were twenty-one years of age, limiting the class to be sent here to those convicted of prison offenses, and authorizing the Board of Control to liberate or bind by indenture such offenders as they deemed sufficiently reformed to justify their discharge.

Subsequent experience has, it is believed, fully demonstrated the propriety of the changes proposed in the bill referred to the committee. By a construction of the law which is thought by the undersigned to be wholly without excuse, a few of the several thousand magistrates in the State, elected as police justices or justices of the peace, have, without authority, sentenced offenders to this School for vagrancy and for all sorts of petty crimes and misdemeanors. Some of the results of the action of incompetent courts may be seen at a glance by those who visit the institution or see the "pupils" together. An occasional countenance shows clearly enough that its owner does not belong to the class of offenders who should be sent here. He is not at heart a criminal, and has very likely been convicted of a first petty offense, and immured here to gratify the whim of some justice of the peace who had never tried a criminal cause before, and who had never considered for an hour the object of penal laws. Another result has been the conviction and sentences of a number of boys—perhaps one tenth of the whole number—who could never have been found guilty in any court which had a decent respect for the rules of common law. A person fourteen years of age is legally presumed to be capable of crime; one under seven years is legally incapable of convic-

tion; between seven and fourteen years the presumption is in favor of the accused, but that presumption may be rebutted by proof that as a matter of fact the child has the intelligence and ability to judge of right and wrong possessed by persons of maturer years. Those who have looked for an hour in the faces of a dozen or two of the younger boys, will have no difficulty in arriving at the conclusion that such proof could never have been adduced as to them. These existing facts demonstrate the entire inefficiency of the supposed safeguards of requiring a reviewal of the papers and testimony by a circuit or probate judge.

The proposed amendments reported by the majority are for the purpose of conferring upon all the justices and police courts the power which has been exercised in a few localities heretofore, in violation of law, to sentence to this institution for all crimes punishable by fine or imprisonment, and also for vagrancy, and to authorize the board of control to improve the character of the school by dismissing the bad boys!

The undersigned dissents from the plan of conferring this power upon the magistrates for the reasons above given, and because the frequent exercise of so large a power by persons in general so poorly qualified, would be likely to revive a feeling against the institution, which is believed to have wholly subsided in all those parts of the State where the magistrates have respected the law of 1857. He also dissents from the idea of sentencing offenders here for petty offenses, believing that the punishment would be in general barbarously excessive, and that the true interests of society would be injured rather than benefitted thereby. Of the whole number of boys who, under the influence of momentary temptation, commit small offences, not one in fifty is likely to become an abandoned villain, and which ones of them are really likely to become so, is beyond the power of human judgment to predict. To take the boy who has become so familiar with crime as to be a notorious thief, or who has shown himself capable of committing felonies, to confine him, to render him subject to rules, to instruct him,

to overcome his dislike of labor and of study, is to do him a real kindness, as well as to relieve society from the danger of his presence. But to take the boy who, though he has done wrong, may yet, very likely, be reclaimed without such punishment, to make him the associate of boys of the other class, to exclude him from the common intercourse of mankind during those years when, if ever, he must learn the great lesson of self-dependence, is, in the opinion of the undersigned, rather a cruelty than a kindness. The effect upon society is not likely to be good when young men are to be turned back upon it poor and friendless, and necessarily without those habits of self-reliance, which can only be taught by actual collision with the practical things of life. Surely bars and bolts, and cells, are not the best remedial agents for the boy whose misfortune is to be friendless, and when vagrancy is only the consequence of his having no home.

- Again, if the State is to undertake to provide in this Institution for all boys who are not at present properly cared for, it will be necessary speedily to quadruple the present accommodations, and very large additional appropriations will be needed. Liberal as this State has been to its eleemosynary institutions, it may well be feared that the generosity of the people will be hesitating when it shall be required to expend several hundred thousand dollars for buildings, and to provide for a thousand boys at an expense of \$100,000 per annum.

The noble-hearted philanthropist, devoting his life and talents to the reform of those who have wandered from the paths of virtue, is worthy of all honor. It is the agency of such men as he, more than anything else, perhaps, which carries the world on to a higher civilization. He is, however, necessarily more or less an enthusiast, and more or less liable to lose sight of some of the purposes which society has in view, in providing for the punishment of those who break its laws. His suggestions should be heard, his views should be considered, and so, perhaps, should those of the individual who, from the opposite extreme, insists that criminals are im-

prisoned solely to get rid of them, and to deter others from breaking the laws. Can there be a question that legislative duty and legislative sentiment ought to lie between these two extremes?

But what shall be done with the vagrant, homeless boy? If the State has the means, it would, perhaps, be proper to afford liberal aid or support to orphan asylums, "Homes for the Friendless," and other similar institutions different from the common poor house, and also greatly differing in their scope and object from the Reform School. Such institutions are in existence at many places in Europe and America, and have undoubtedly great success in preventing crime. There are such institutions in several of the eastern cities, and into them it is believed that the criminal convicted of a felony is never allowed to come. Houses of Refuge, similar to our institution, receive the class for which our school was provided.

It may be remarked that the principal occasion for the charitable institutions referred to, is found in large cities where they are supported by the city authorities, or by private subscription for the most part. The evil is greatly lessened in this State, by the exercise of the power given to directors and superintendents of the poor to bind pauper children by indentures, but in case of the change proposed, it seems probable that the temptation to rid the township or county of the trifling expense of supporting the pauper child till a proper place can be found for him, would induce the authorities to procure him to be sent here to the great injury of the public, and probably also of the child. The very considerable expense of maintaining boys at this institution (over \$155 each per annum), and the small amount of their earnings, (less than \$21 each per annum), suggests that upon the score of economy there should be some cheaper way to provide for vagrant boys, and those who commit petty offences, than this.

The plan of giving to the Board of Control the power to send away boys "found incorrigible, or whose continuance in the school they may deem prejudicial to the management and discipline thereof," is believed to be wholly inconsistent with the

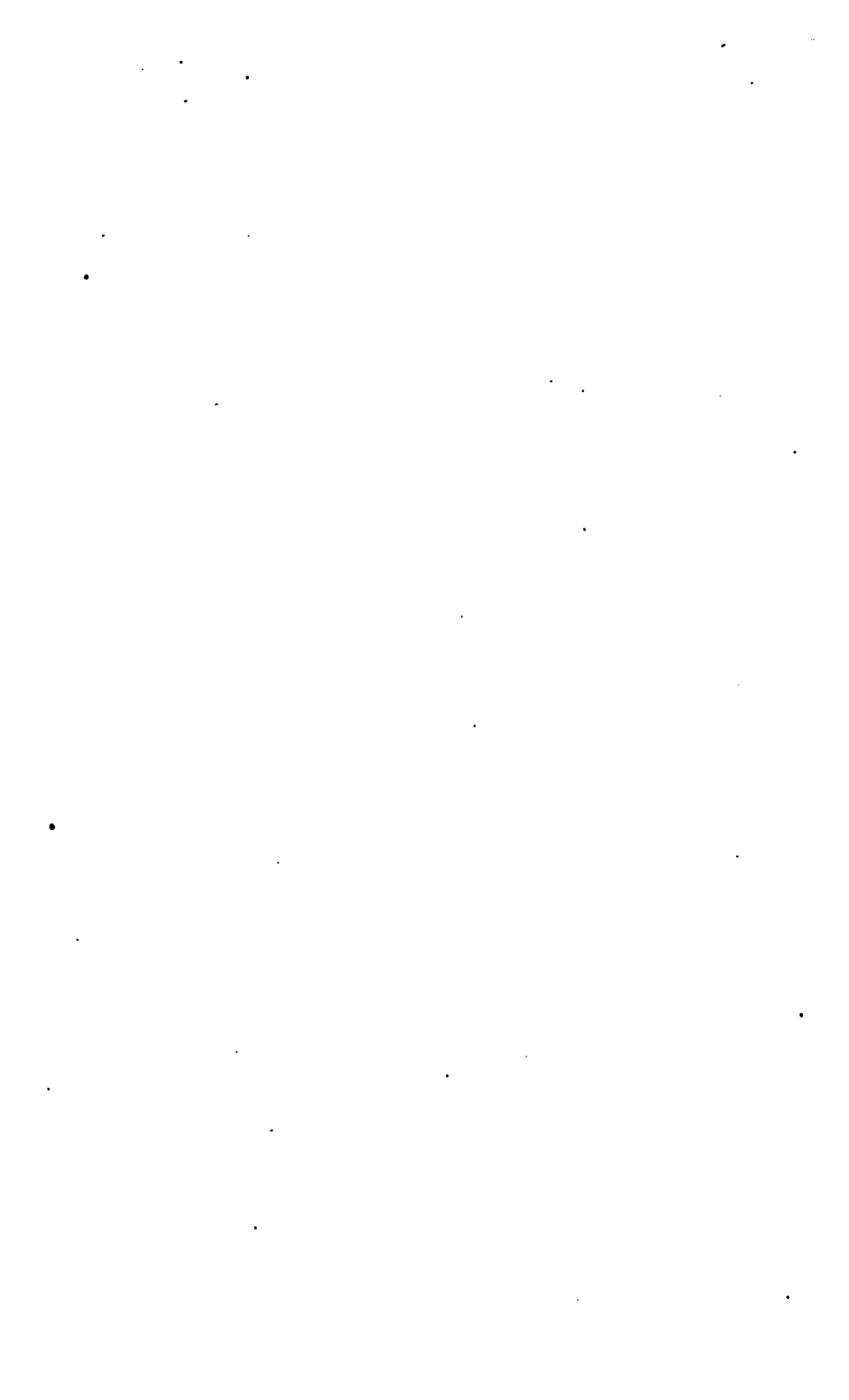
object of the school. If, however, it shall be determined to admit those who are not really criminals, then, in the opinion of the undersigned, those who are, ought to be removed. If the bad boys, those who endanger the peace of society, are to be excluded from the Institution, it is probably intended to consign them to the State Prison, in which case the visitor there will be again compelled to see the child laboring beside the gray haired villain, and almost sure to be corrupted and ruined forever by the association. It cannot be that we shall deliberately return to this heartless and cruel mode of punishment! It cannot be that the boy of less than sixteen is ever totally incorrigible, or that his reformation is entirely hopeless!

The evident existing danger that the design and object of one of the best institutions in the State may be lost sight of, and its purpose wholly changed, will, perhaps, be a sufficient apology for the length of this report.

All which is respectfully submitted.

EUGENE PRINGLE.





LEGISLATURE, }
1861. }

{ HOUSE Doc.
{ No. 5.

[No. 5.]

COMMUNICATION from the Secretary of State, transmitting the Census Returns of the State of Michigan for the year 1860.

To the Hon. Legislature of the State of Michigan:

In compliance with a resolution of your honorable body, I herewith transmit a table of the population of the State for the year 1860, in the form therein requested, so far as I have been able to do, from the returns of the several marshals.

JAMES B. PORTER,

Secretary of State.

Secretary's Office, Lansing, Jan. 21, 1861.



CENSUS OF MICHIGAN—1860.

ALLEGAN COUNTY.

Townships.	Population.
Allegan village,.....	940
Allegan town,.....	896
Osco,	296
Cheshire,	676
Clyde,.....	74
Dorr,.....	706
Fillmore,	668
Ganges,	759
Gun Plains,.....	1068
Heath,	382
Hopkins,	587
Lake,	267
Lee,	48
Leighton,.....	676
Manlius,.....	349
Martin,.....	794
Monterey,	927
Newark,.....	816
Otsego,	1429
Overisel,	489
Pine Plains,.....	103
Salem,	480
Trowbridge,	897
Watson,.....	902
Wayland,.....	917
Total,	16,091

ALCONA COUNTY.

Townships.	Population.
Black River,.....	50
Harrisville,	181
Total,	181

ALPENA COUNTY.

Townships.	Population.
Fremont,	291
Total,	291

BARRY COUNTY.

Townships.	Population.
Assyria,	959
Barry,.....	1101
Baltimore,	612
Carlton,	678
Castleton,.....	781
Hastings village,.....	888
" town,.....	663
Hope,	689
Irving,	816
Johnstown,.....	931
Maple Grove,.....	621
Orangeville,	875
Prairieville,	1140
Rutland,.....	691
Thornapple,.....	1005
Woodland,.....	976
Yankee Springs,.....	615
Total,	14,041

BAY COUNTY.

Townships.	Population.
Arenac,	79
Bangor,	908
Bay City,	1585
Hampton,	816
Portsmouth,	168
Williams,	118
Total,	1,369

BERRIEN COUNTY.

Townships.	Population.
Bainbridge,	938
Berrien,	1253
Benton,	1098
Bertrand,	1540
Buchanan village,	910
" town,	818
Chickaning,	810
Galien,	528
Hagar,	438
Lake,	557
New Buffalo,	834
City of Niles, 1st ward,	888
" 2d " 	660
" 3d " 	776
" 4th " 	465
	<hr/>
	2789
Niles, town,	2723
Oronoko,	1252
Pipestone,	1052
Royalton,	964
Sodus,	674
St. Joseph,	1358
Three Oaks,	539
Watervliet,	1017
Weesaw,	753
Total,	22,274

BRANCH COUNTY.

Townships.	Population.
Algansee,	1121
Batavia,	1189
Bethel,	1185
Bronson,	1362
Butler,	1123
California,	713
Coldwater, village,	2905
" town,	1544
Girard,	1128
Gilead,	683
Kinderhook,	572
Matterson,	1005
Noble,	797
Ovid,	1199
Quincy, village,	573
" town,	1362
Sherwood,	1051
Union,	1685
Total,	21,197

CALHOUN COUNTY.

Townships.	Population.
Albion, village,.....	1720
" town,.....	939
Athens,.....	980
Battle Creek, city,.....	3508
" town,.....	1151
Bedford,.....	1210
Burlington,.....	941
" village,.....	150
Clarence,.....	866
Clarendon,.....	960
Convis,.....	1030
Eckford,.....	1023
Emmet,.....	1223
Fredonia,.....	900
Homer,.....	1160
Lee,.....	878
Le Roy,.....	1174
Marengo,.....	1099
Marshall,.....	993
City, 1st ward,.....	1536
" 2d " 	2044
Newton,.....	882
Penfield,.....	1002
Sheridan,.....	994
Tekonsha,.....	900
" village,.....	185
Total,.....	29,398

CASS COUNTY.

Townships.	Population.
Adamsville village,.....	105
Calvin,	1378
Dowagiac village,	1180
Edwardsburg "	241
Howard,.....	1140
Jefferson,.....	1232
La Grange,	1706
Mason,	769
Marcellus,	754
Milton,	574
Newburgh,	861
Ontwa,.....	534
Penn,	1302
Porter,	1832
Pokagon,	1000
" village,.....	122
Silver Creek,.....	1102
Summerville village,.....	130
Volinia,	994
Wayne,	939
Total,	17,895

CHEBOYGAN COUNTY.

Townships.	Population.
Burt,	170
Duncan,	134
Inverness,.....	295
Total,	599

CHIPPEWA COUNTY.

Townships.	Population.
Saut Ste. Marie,.....	1304
Sugar Island,.....	240
Total,	1,544

CLINTON COUNTY.

Townships.	Population.
Bath,.....	577
Bengal,.....	638
Bingham,	1460
Dallas,	910
De Witt,.....	1189
Duplain,	915
Eagle,.....	912
Essex,.....	1013
Greenbush,	967
Lebanon,	661
Olive,	627
Ovid,.....	936
Riley,	607
Victor,	662
Watertown,.....	808
Westphalia,.....	1091
Total,	13,928

DELTA COUNTY.

Total,	1,172
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EATON COUNTY.

Townships.	Population.
Bellevue,	1555
Benton,	755
Brookfield,	821
Carmel,	1411
Chester,	798
Delta,	618
Eaton,	1281
Eaton Rapids,	2318
" village,	582
Kalamo,	1022
Oncida,	1382
Roxand,	807
Sunfield,	500
Vermontville,	878
Walton,	1025
Windsor,	821
Total,	16,574

EMMET COUNTY.

Townships.	Population.
Bear Creek,	213
Charlevoix,	176
La Croix,	485
Little Traverse,	270
Old Fort Mackinaw,	11
Total,	1,115

GENESEE COUNTY.

Townships.	Population.
Argentine,	860
Atlas,	1441
Burton,	1266
Clayton,	808
Davison,	950
Fenton,	2178
Flint,	1585
City of Flint, 1st ward,	807
2d "	1125
3d "	1120
	<hr/> 3052
Forest,	633
Flushing,	867
" village,	406
Gaines,	760
Genesee,	1211
Grand Blanc,	1291
Montrose,	389
Mount Morris,	735
Mundy,	1228
Richfield,	963
Thetford,	934
Vienna,	1050
Total,	<hr/> 22,707

GLADWIN COUNTY, (UNORGANIZED.)

Total,	14
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GRAND TRAVERSE.

Townships.	Population.
Meegerece,	179
Milton,	88
Peninsula,	442
Traverse,	495
Whitewater,	263
Total,	1,467

GRATIOT COUNTY.

Townships.	Population.
Arcadia,	375
Bethany,	93
Elba,	78
Emerson,	226
Fulton,	600
Hamilton,	49
LaFayette,	123
Newark,	399
New Haven,	216
North Shade,	413
North Star,	400
Pine River,	406
Seville,	169
Sumner,	213
Washington,	267
Total,	4,027

HILLSDALE COUNTY.

Townships.	Population.
Adams,	1559
Allen,	1590
Amboy,	777
Camden,	1513
Cambria,	1388
Fayette,	467
Hillsdale,	818
" village,.....	2173
Jefferson,	1455
Jonesville, village,	1008
Litchfield,	1855
Moscow,	1080
Pittsford,	1646
Ransom,	1159
Reading,	1611
Scipio,	1038
Somerset,	1611
Wheatland,	1539
Woodbridge,	875
Wright,	1139
Total,	28,307

HOUGHTON COUNTY.

Townships.	Population.
Copper Harbor,	194
Eagle Harbor,	1309
Houghton,	2150
" village,	1686
Hancock " 	1618
L'Ance,	583
Portage,	1713
Total,	<u>9,253</u>

HURON COUNTY.

Townships.	Population.
Bingham,	326
Caseville,	191
Dwight,	573
Huron,	525
Hume,	195
Rubicon,	283
Sand Beach,	176
Sebawaing,	555
White Rock,	343
Total,	<u>3,167</u>

INGHAM COUNTY.

Townships.	Population.
Alaiedon,	894
Aurelius,	1168
Bunker Hill,	672
Delhi,	928
Ingham,	1168
Kinneyville village,	54
Lansing,	497
City of Lansing, 1st ward,	1084
" " 2d " 	1083
" " 3d " 	918
	<hr/>
	3085
Le Roy,	621
Leslie,	1248
Locke,	863
Mason village,	363
Meridian,	825
Okemos village,	75
Onondaga,	1135
Stockbridge,	879
Vevay,	942
Wheatfield,	573
White Oak,	778
Williamstown,	693
	<hr/>
Total,	17,456

IONIA COUNTY.

Townships.	Population.
Berlin,	1026
Boston,	1244
Campbell,	518
Danby,	727
Easton,	837
Ionia,	1926
Keene,	1150
Lyons,	1949
North Plains,	921
Odessa,	488
Orange,	801
Orleans,	857
Otisco,	1349
Portland,	1381
Ronald,	893
Sebewa,	598
Total,	16,665

IOSCO COUNTY.

Townships.	Population.
Aux Sauble,	73
Tawas City,	102
Total,	175

ISABELLA COUNTY.

Townships.	Population.
Chippewa,	128
Coe,	323
Isabella,	994
Total,	1,445

JACKSON COUNTY.

Townships.	Population.
Blackman,	1268
Brooklyn,	1008
" village,	331
Columbia,	883
Concord,	1164
Grass Lake,	1709
Hanover,	969
Henrietta,	889
Jackson City, 1st ward,	1111
" 2d " 	1047
" 3d " 	961
" 4th " 	1680
	<hr/> 4799
Leoni,	1396
Liberty,	1020
Napoleon,	802
Parma,	1350
Pulaski,	1108
Rives,	1154
Sandstone,	1393
Spring Arbor,	1023
Springport,	1114
Summit,	890
Tompkins,	952
Waterloo,	1452
Total,	<hr/> 26,664

KALAMAZOO COUNTY.

Townships.	Population.
Alamo,	943
Brady,	1012
Charleston,	1309
Climax,	1160
Comstock,	2012
Cooper,	1231
Kalamazoo,	875
" village,	6075
Oshtemo,	1240
Pavilion,	964
Portage,	974
Prairie Ronde,	1036
Richland,	1331
Ross,	1514
Schoolcraft,	1500
Texas,	829
Waukeshma,	658
Total,	24,663

KENT COUNTY.

Townships.	Population.
Ada,	1116
Algoma,	993
Alpine,	1248
Bowne,	745
Byron,	1042
Cannon,	1061
Caledonia,	762
Cascade,	893
Courtland,*	947
Gaines,	868
Gratton,	1127
Grand Rapids,	1021
Grand Rapids City :	
1st Ward,	1668
2d "	2132
3d "	2299
4th "	1368
5th "	628
	<hr/> 8090
Lowell,	1200
Nelson,	461
Oakfield,	1079
Paris,	1327
Plainfield,	1240
Sparta,	941
Solon,	893
Tyrone,	173
Vergennes,	1347
Walker,	1430
Wyoming,	1239
	<hr/>
Total,	31,743

LAPEER COUNTY.

Townships.	Population.
Almont,	2297
Allison,	345
Arcadia,	200
Attica,	862
Burlington,	452
Deerfield,	109
Dryden,	1752
Elba,	809
Goodland,	448
Hadley,	1354
Imlay,	654
Lapeer,	2735
Marathon,	788
Metamora,	1155
North Branch,	244
Oregon,	518
Rich,	153
Total,	14,875

LEELANAW COUNTY.

Townships.	Population.
Centerville,	938
Crystal Lake,	216
Glen Arbor,	252
Leelanaw,	1839
Total,	3,245

LENAWEE COUNTY.

Townships.	Population.
Adrian,.....	1587
Adrian City, 1st ward,.....	1440
" 2d "	2243
" 3d "	959
" 4th "	1553
	<hr/> 6195
Blissfield,.....	1827
Cambridge,.....	1150
Canandaigua village,	139
Dover,	1377
Fairfield,.....	1595
Franklin,	1457
Hudson,	1441
" village,	1489
Macon,	1410
Madison,	1610
Medina,	1615
" village,.....	211
Morenci village,.....	459
Ogden,.....	1034
Palmyra,.....	1656
Raisin,	1585
Ridgeway,.....	880
Riga,	664
Rollin,	1686
Rome,	1618
Seneca,	1286
Tecumseh,	3422
Woodstock,.....	1159
	<hr/>
Total,	38,497

LIVINGSTON COUNTY.

Townships.	Population.
Brighton,	1186
Cohoctah,	857
Conway,	764
Deerfield,	1017
Genoa,	878
Green Oak,	944
Hamburgh,	996
Handy,	336
Hartland,	1206
Howell,	1820
Iosco,	770
Marion,	682
Oceola,	1128
Putnam,	1215
Tyrone,	1144
Unadilla,	1117
Total,	16,060

MACKINAC COUNTY.

Townships.	Population.
Holmes,	211
Holmes Isle of Mackinac,	1085
St. Ignace,	399
Moran,	244
Total,	1,939

MACOMB COUNTY.

Townships.	Population.
Armada,	1489
Bruce,	1808
Chesterfield,	2164
Clinton,	3015
Erin,	1975
Harrison,	549
Lenox,	1454
Macomb,	1370
Ray,	1543
Richmond,	1704
Shelby,	1800
Sterling,	1159
Warren,	1235
Washington,	1847
Total,	23,112

MANISTEE COUNTY.

Townships.	Population.
Brown,	219
Manistee,	549
Stromack,	108
Total,	874

MANITOU COUNTY.

Townships.	Population.
Beaver Island,	493
Garden Island,	198
Little Fox Island,	9
Manitou Island,	270
South Manitou Island,	73
Total,	1,043

MARQUETTE COUNTY.

Townships.	Population.
Chocolay,	213
Marquette,	1664
Negawnee,	944
Total,	2 821

MASON COUNTY.

Townships.	Population.
Free Soil,	60
Little Laible,	300
Pere Marquette,	356
Summit,	115
Total,	831

MECOSTA COUNTY.

Townships.	Population.
Green,	246
Hinton,	153
Leonard,	317
Pearson,	301
Total,	1,017

MIDLAND COUNTY.

Townships.	Population.
Ingersoll,	111
Jerome,	114
Midland,	557
Total,	783

MONROE COUNTY.

Townships.	Population.
Ash,	2124
Bedford,	1280
Dundee,	1940
Erie,	1362
Exeter,	832
Frenchtown,	1777
Ida,	673
Lasalle,	1327
London,	849
Milan,	1045
Monroe,	997
Monroe city, 1st ward,	2043
" 2d " 	1366
" 3d " 	486
	<hr/> 3895
Raisinville,	1448
Summerfield,	962
Whitefield,	1137
	<hr/>
Total,	21,648

MONTCALM COUNTY.

Townships.	Population.
Bloomer,	630
Bushnell,	645
Cato,	192
Crystal,	221
Eureka,	591
Evergreen,	89
Fairplain,	492
Ferris,	184
Greenville village,	399
Montcalm,	367
Sidney,	174
	<hr/>
Total,	3,984

MUSKEGON COUNTY.

Townships.	Population.
Cazenovia,.....	605
Dalton,	243
Eggleston,	29
Moreland,.....	105
Muskegon,.....	285
" village,	1448
Norton,	197
Oceana,	214
Ravenna,	393
White River,	374
Total,	3,893

NEWAYGO COUNTY.

Townships.	Population.
Ashland,	304
Barton,	38
Big Prairie,	275
Brighton,	226
Brooks,	574
Croton,	535
Dayton,	281
Ensley,.....	124
Everett,.....	158
Fremont,	252
Total,.....	2,766

OAKLAND COUNTY.

Townships.	Population.
Addison,	1068
Avon,	1769
Bloomfield,	1926
Brandon,	1314
Clarkston village,	376
Commerce,	1424
Farmington,	1914
Groveland,	1271
Highland,	1139
Holly,	1062
" village,	542
Independence,	1268
Lyon,	1629
Milford,	1664
Novi,	1466
Oakland,	1071
Orion,	1000
" village,	292
Oxford,	1402
Pontiac,	1560
" village,	2576
Rose,	1129
Royal Oak,	1224
Southfield,	1496
Springfield,	1426
Troy,	1700
Waterford,	1050
West Broomfield,	1120
White Lake,	1142
Total,	88,020

OCEANA COUNTY.

Townships.	Population.
Benona,.....	275
Clay Banks,.....	276
Elbridge,.....	237
Greenwood,.....	83
Indian Reserve,.....	463
Otto,.....	119
Pentwater,	244
Wear,.....	105
Total,.....	1,802

ONTONAGON COUNTY.

Townships.	Population.
Algonquin,.....	77
Greenland,.....	336
Ontonagon,.....	1192
Pewabic,.....	109
Rockland,.....	2861
Total,.....	4,575

OTTAWA COUNTY.

Townships.	Population.
Allendale,	245
Blendon,	381
Chester,	721
Crockery,	396
Georgetown,	973
Holland,	1991
Jamestown,	519
Olive,	317
Ottawa,	1359
Polkton,	1222
Robinson,	128
Spring Lake,	743
Tallmadge,	114
Wright,	1520
Zeeland,	1467
Total,	<u>18,077</u>

PRESQUE ISLE COUNTY.

Total,	26
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SAGINAW COUNTY.

Townships.	Population.
Birch Run,	708
Blumfield,	557
Brady,	279
Brant,	88
Bridgeport,	491
Buena Vista,	232
Chesaning,	539
East Saginaw,	3005
Franklinmuth,	1120
Fremont,	62
Koehill,	658
Maple Grove,	201
Saginaw,	880
Saginaw City,	1699
Spaulding,	216
St. Charles,	605
Taymouth,	269
Thomastown,	480
Tittabawassee,	514
Zilwaukie,	160
Total,	12,758

SANILAC COUNTY.

Townships.	Population.
Austin,	302
Bridgehampton,	305
Buell,	176
Delaware,	437
Elk,	229
Forester,	375
Fremont,	223
Lexington,	2068
Marion,	197
Marlette,	196
Maple Valley,	132
Sanilac,	1205
Speaker,	326
Washington,	173
Worth,	1279
Total,	7,623

SCHOOLCRAFT COUNTY.

Townships.	Population.
Grand Island,	43
Munsing and Main Land,	35
Total,	78

SHIAWASSEE COUNTY.

Townships.	Population.
Antrim,	646
Bennington,	895
Burns,	1065
Caledonia,	864
Corunna,	1203
Fairfield,	346
Hazelon,	350
Middlebury,	616
New Haven,	448
Owosso,	573
Owosso city, 1st ward,	523
" 2d " 	257
" 3d " 	152
" 4th " 	227
	<hr/>
	1159
Perry,	670
Rush,	346
Sciota,	499
Shiawassee,	1146
Venice,	575
Vernon,	1100
Woodhull,	387
	<hr/>
Total,	12,888

ST. CLAIR COUNTY.

Townships.	Population.
Berlin,	1032
Brockway,	749
Burchville,	1800
Casco,	1085
China,	1340
Clay,	1085
Clyde,	1129
Columbus,	1035
Cottrelville,	1531
East China,	318
Emmett,	647
Greenwood,	583
Ira,	1130
Kenokee,	778
Kimball,	838
Lynn,	225
Mussey,	440
Port Huron,	1494
Port Huron city, 1st ward,	1160
" 2d " 	995
" 3d " 	1200
" 4th " 	1021
	<hr/> 4376
Riley,	938
St. Clair,	1688
St. Clair city, 1st ward,	904
" 2d " 	766
	<hr/> 1670
Wales,	903
	<hr/>
Total,	26,814

ST. JOSEPH COUNTY.

Townships.	Population.
Burr Oak,	1107
" village,	666
Centerville village,	473
Colon,	958
" village,	311
Constantine,	1889
Fabius,	876
Fawn River,	570
Florence,	981
Flowerfield,	1097
Leonidas,	1259
Lockport,	960
" village,	312
Mendon,	1141
" village,	409
Mottville,	735
Nottawa,	1185
Park,	1009
Parkville village,	112
Sherman,	865
Sturgis,	536
" village,	1020
Three Rivers village,	960
White Pigeon,	1680
Total,	21,111

TUSCOLA COUNTY.

Townships.	Population.
Akron,	186
Almer,	263
Arbela,	527
Columbus,	94
Dayton,	129
Denmark,	309
Elkland,	51
Ellington,	92
Fair Grove,	367
Fremont,	96
Geneva,	45
Gilford,	114
Indian Fields,	128
Juniatta,	643
Millington,	285
Roilton,	60
Tuscola,	954
Vassar,	229
Watertown,	208
Waterloo,	33
Wells,	72
Total,	4,885

VAN BUREN COUNTY.

Townships.	Population.
Almena,	749
Antwerp,	1022
Arlington,	854
Bangor,	672
Breedsville village,	252
Columbia,	320
Decatur,	654
" village,	564
Deerfield,	207
Geneva,	240
Hamilton,	785
Hartford,	1073
Keeler,	971
Fa Fayette,	890
Lawton village,	426
Lawrence,	1008
" village,	339
Paw Paw village,	1093
Pine Grove,	496
Porter,	966
South Haven,	93
" village,	308
Waverly,	614
Total,	<hr/> 15,230

WASHTENAW COUNTY.

Townships.	Population.
Ann Arbor,	2056
Ann Arbor city, 1st ward,	1352
" 2d "	1134
" 3d "	871
" 4th "	1090
	<hr/> 4447
Augusta,	1139
Bridgewater,	1291
Dexter,	857
Freedom,	1336
Lima,	992
Lodi,	1319
Lyndon,	823
Manchester,	1712
Northfield,	1373
Pittsford,	1331
Saline,	1967
Salem,	1360
Scio,	1820
Sharon,	1000
Superior,	1346
Sylvan,	1587
Webster,	1106
York,	1573
Ypsilanti,	1357
Ypsilanti city, 1st ward,	594
" 2d "	675
" 3d "	885
" 4th "	712
" 5th "	1090
	<hr/> 3956
Total,	<hr/> 35,757

WAYNE COUNTY.

Townships.	Population.
Brownstown,.....	1380
Canton,	1554
Dearborn,	1546
" village,.....	320
Detroit city, 1st ward,	3780
" 2d " 	1428
" 3d " 	3701
" 4th " 	5064
" 5th " 	5519
" 6th " 	7008
" 7th " 	6560
" 8th " 	5573
" 9th " 	3520
" 10th " 	3234
<hr/> 45,387	
Ecorse,.....	2399
Greenfield,.....	2185
Grosse Point,.....	2086
Hamtramck,	1638
Huron,	833
Livonia,	1665
Monguagon,	1335
Nankin,	2108
Northville village,.....	621
Plymouth,	1557
" village,.....	821
Redford,.....	1861
Romulus,	1106
Springwells,	1518
Sumpter,	786
Taylor,	567
Van Buren,.....	1757
Wayne village,.....	304
<hr/> Total,	
75,394	

RECAPITULATION—POPULATION BY COUNTIES.

Counties.	Population.
Allegan,	16,091
Alcona,	181
Alpena,	291
Barry,	14,041
Bay,	3,169
Berrien,	22,274
Branch,	21,197
Calhoun,	29,898
Cass,	17,895
Cheboygan,	599
Chippewa,	1,544
Clinton,	13,923
Delta,	1,172
Eaton,	16,574
Emmet,	1,155
Genesee,	22,707
Gladwin,	14
Grand Traverse,	1,467
Gratiot,	4,027
Hillsdale,	26,307
Houghton,	9,258
Huron,	3,167
Ingham,	17,456
Ionia,	16,665
Iosco,	175
Isabella,	1,445
Jackson,	26,664
Kalamazoo,	24,663
Kent,	30,743
Lapeer,	14,875
Leelanaw,	3,245
Lenawee,	38,497
Livingston,	16,060
Mackinac,	1,939

RECAPITULATION—CONTINUED.

Counties.	Population.
Macomb,.....	23,112
Manistee,.....	874
Manitou,.....	1,043
Marquette,.....	2,821
Mason,.....	831
Mecosta,.....	1,017
Midland,.....	788
Monroe,.....	21,648
Montcalm,.....	3,984
Muskegon,.....	3,893
Newaygo,.....	2,766
Oakland,.....	38,020
Oceana,.....	1,802
Ontonagon,.....	4,575
Ottawa,.....	13,077
Presque Isle,.....	26
Saginaw,.....	12,758
Sanilac,.....	7,623
Schoolcraft,.....	78
Shiawassee,.....	12,888
St. Clair,.....	26,814
St. Joseph,.....	21,111
Tuscola,.....	4,885
Van Buren,.....	15,230
Washtenaw,.....	35,757
Wayne,.....	75,394
Total,.....	757,683

[No. 6.]

MEMORIAL of the State Military Board.

The memorial of the undersigned, a committee on behalf of the State Military Board, respectfully shows, that the present militia laws of this State provide for two classes of militia, viz: that which may be termed the dormant, (or as it is improperly called the enrolled) militia and the uniformed volunteers.

The dormant militia are the body of the people, liable in case of war, insurrection, or invasion, to do military duty.

At an early day the State was divided into company beats, and regimental, brigade and division districts, in view of the contingency of calling the people, suddenly, to arms; and in many instances the officers have been commissioned to correspond with this geographical, and in fact, imaginary, body of impossible troops. The consequence is, that there are, at this moment, numerous officers, and many of high rank, who have never seen their soldiers, for the reason, that the law has been eliminated of the old fashioned general muster day. There is not even, any adequate means left for drafting such numbers of the militia, as might be needed for actual service.

There is good reason to believe, that our patriotic citizens would respond to a call for a force of any size, particularly to defend this glorious Union. But as it is possible that we are on the threshold of events, whose end no man knows, it is but wise to provide some adequate means of drafting troops to supply any deficiency that might occur in the number raised by voluntary enlistment.

We, therefore, respectfully recommend, under this head,

1st. That the Governor be authorised to raise, upon certain contingencies, to be defined by the Legislature, any number of troops, to serve for such a term as the Legislature or the Commander-in-chief may require, each regiment to consist of ten companies of not more than one hundred men each, and not less than seventy-six rank and file; such regiments to be officered by the same number of officers, of corresponding rank, and with same pay and emoluments, as officers of the U. S. army, one grade below, (except 2d Lieutenants,) until mustered in U. S. service; and such regiments to be armed and equipped, or if need be, mounted, according to the discretion of the Governor, as infantry, cavalry, dragoons or mounted riflemen. That the Governor, in enlisting the requisite number from time to time, shall first call for volunteers, and supply any deficiency by draft upon such part or parts of the State, as he may deem best. That the manner of drafting be defined so as to make the burden as light, as possible, on the people, consistent with the purpose in view.

2d. That in addition to the above requirements, a number of companies of light artillery, not to exceed a full battery of six guns to each brigade of two regiments raised, be authorized.

3d. That all candidates for commissions of and above the rank of captain, be required to pass examination before a board of officers to be appointed by the Governor, and their fitness certified, before receiving their commissions; and that adequate means of instruction of officers be afforded, and to this end, that one or more instructors of military education and experience be appointed, under the Inspector General.

4th. That the present system of appointing officers for the enrolled militia, be superseded. That no officer of the enrolled militia be allowed to exercise military command over the volunteer or active militia, except, when specially commissioned, or assigned thereto by the Governor.

Let us now turn to the uniformed volunteers. Inasmuch as these companies have been at great private expense of money and time in keeping up their respective organizations, and in attaining to their present efficiency, and as they have received arms, equipments, and some public money from the State, and all with the express design of their being prepared, when as under the law they shall be called out previous to any other portion of militia, it is clearly the policy and duty of the government to appropriate such sums, as may be necessary to put them, first of all, on the best possible footing.

These companies have already acquired a valuable amount of experience that raw levies, such as were sent by regiments hastily raised in the States, into Mexico, during the late war, are ignorant of. They have learned the use and care of arms and clothing, can judge of the qualities of their officers for command, are tolerably familiar with the elementary tactics, and have acquired habits of obedience, cleanliness and order.

And the first step to be taken is to form skeleton regiments, with these companies, as a basis, and push their instruction forward into the school of the battallion in infantry, and school of the battery in artillery.

Nearly all the companies in the State could, it is confidently believed, be filled up at once, by men pledged to take the field, if the State will pay them, officers and men, only for the time actually devoted to military business. The greatest load falls on the captains. They are responsible for all the arms. They are required to make returns of considerable length and intricacy—if they do their duty properly. They must attend constantly to the drill and discipline of their commands. This pecuniary responsibility and personal burden is so great, that few men fit for the position can be found to take it.

Let the captains, while held to strict account for the military property in their care, be allowed a small commission on its value when their accounts are certified for their labor, or a small salary, until such time as they shall be actually called into service, when the pay of all, of course, should begin.

The uniform volunteer companies being always intended, not only as a nucleus force, but also as schools of instruction, every possible encouragement should be afforded them. We believe, if the present stage of instruction be wisely built upon, that a standard of military knowledge may be required and reached of all applicants for commissions for time of actual service, so that no man need be appointed to any office in a regiment who is not able to pass a military examination, and that such a system will supply all the officers that will be needed. And surely it is no more than just that those who are by law first liable to be called out should have the preference over all others, particularly when better qualified. It has been the curse of the militia system, that as soon as war begins, raw recruits in some cases elect, and in some cases government appoints, men to commissions who have no military knowledge or experience, and no qualification or merit whatever, except personal popularity or political influence. This at once accounts for the very general weakness of the voluntary system in any war America has waged. The undersigned have both served with them in the field.

We have seen regiments from most of the States, and all those that were raised and officered in this manner, were scarcely more dangerous to the enemy than destructive of themselves, while they cost the State vastly more money than well ordered troops of the same number.

Now, with a few skillful and experienced officers, authorized to adopt, and employed to pursue a system of instruction for officers and non-commissioned officers, adapted to the militia, we believe that such a state of things can be inaugurated as will place the intelligent and hardy citizen soldiery of Michigan on a level scarcely lower than that of regulars.

But it is a mistake to suppose that good officers or good troops can be created in a day. The ship must be rigged and the ropes must be learned before the storm comes on. Privates can be rapidly enlisted, but officers cannot be rapidly instructed. We do not commit the charge of our legal difficulties to lawyers without learning. Ought we to be more careful of our rights of property than of the lives of our citizens, and the honor of our State? It is most fit, most safe, most economical, then, that our uniform volunteer companies be made the schools for officers of all ranks, and that their instruction be carried forward on a liberal scale.

It is recommended that a competent inspector be appointed, with such an amount of yearly pay as will secure the whole time and services of an experienced and educated officer, for the purpose of instructing the officers of the militia, forming skeleton battalions and regiments of officers and non-commissioned officers, and candidates for commissions, who shall be instructed and drilled in the schools of the battalion, squadron and battery, and evolutions of the line, and camp and field duties. That no officer, non-commissioned officer, or candidate, be admitted to such instruction, who does not pledge himself to march whenever and wherever the Governor, or the President of the United States through him, shall command, at the government expense—so that money shall not be spent on non-combatants—and that all such officers as may be commissioned as captains, shall either hold a company of men ready, likewise, to march, or be required to raise such company within a certain period, by voluntary enlistment, draft or otherwise, or relinquish his commission.

This system for instruction for officers can be carried still further, if the recommendation of your memorialists be carried out in another particular, viz: the organization of the staff. The present capacities of the military system are so enormous as to be appalling, when we consider the clamor for any office to which the law may attach pay. Instead of a staff officer or

two to a regiment of soldiers, there appears to be a regiment of staff to a soldier or two.

Fortunately there has been no pay and emolument, but in case the enrolled militia were called out under the present law for actual service, the staff would soon swallow up the treasury. In lieu of a graduated series of staff officers, your memorialists would respectfully recommend :

1st. That the office of Quartermaster General be separated from that of Adjutant General, and that Division and Brigade Quartermasters be abolished. The Quartermaster General with one, or under any circumstances not over three assistants, being adequate to all contingencies, there being in each regiment a Regimental Quartermaster.

2d. That the Quartermaster's department have charge of all arms, equipments, clothing and supplies of every sort belonging to the government of the State, or purchased for the militia, and that to the Quartermaster General all officers of every description account for all government property they may receive, at least once a quarter, and that these accounts, together with the consolidated accounts of the Quartermaster General himself, be audited in the Auditor General's office. That no arms or other government property be sold or destroyed unless examined and condemned by a Board of Survey, duly appointed, and approval of their report by a commanding officer in manner similar to that prescribed by the United States law and regulations. Such a system of care and accountability, from company officers up to the highest grades, would, we doubt not, save thousands of dollars a year, even under the present limited number of volunteer companies and small amount of government property.

3d. But as no one will take care of public property without adequate compensation, the Quarter-master General should receive a salary, not of \$150, but of an amount sufficient to insure the safe keeping of the property and his supervision over other officers, to see that they account for what comes into their hands; and as additional troops are armed and equipped, rendering the

services of Adjutant Quarter-master's necessary, these also should receive adequate pay, and when further necessary, clerks should be allowed, the Governor being the judge of the necessity thereof.

4th. A building should be at once purchased or hired for the storage of arms, equipments, camp equipage and other undistributed supplies. This has been one of the greatest necessities for many years. Some of the public property has been lying in the United States Arsenal at Detroit, in irresponsible hands, while other portions have been stored away in cellars and lofts, damaged and often lost, for the want of some place of safe keeping. Thousands of dollars have been lost for the want of an arsenal and store room. It will perhaps startle the Legislature to learn of the lamentable destitution of the State, notwithstanding we have drawn our annual quota from the federal government for twenty-five years. In many instances the arms have been lost by irresponsible captains, or companies that have disbanded without turning over their arms. In one case the Adjutant General reports that a valuable brass cannon was thrown into a river. In short, from various causes, we are left so that, to supply two full regiments for the field, would strip the State of arms entirely, and for these arms, there is no ammunition whatever.

The arsenals of the north being, as it is reported, emptied to a very great extent, and the eastern workshops having already orders far in advance of their ability to supply, it behooves your honorable body, gravely to consider, what steps should be taken in this matter. A new supply of arms and of camp equipage, and of artillery material, as well as of such varieties of ammunition, as will suit, is certainly needed at once.

If the Quarter Master's department be separated from the Adjutant General's department, as we have suggested, the latter, together with the Inspector General's department, engineers, medical and pay departments, remain to be considered.

Should the President of the United States be obliged by the progress of events, and Congress failing to appropriate other-

wise, to throw himself upon the armed assistance of the several States, it might perhaps be requisite for us to provide every necessary for the supply of the troops, that Michigan may contribute to the aid of the federal Union. In this case, a Pay and Medical staff would be essential. Therefore, your memorialists recommend, that the Governor be authorized to employ and appoint such Paymasters, Surgeons, and Assistant Surgeons as the exigencies of the service of our troops, when called into the field, shall demand and require.

Further, that if such a state of things occur, as shall make it necessary to brigade our regiments, it might be well to authorize the Governor to appoint, or for the regiments to elect one or more Brigadier Generals and Major Generals.

The establishment of a professorship of field engineering and mining has already been brought before the Board of Regents, by the State Military Board, and it is understood that the Regents favor the establishment thereof. It would be of inestimable service to the militia, rendering them quite independent of the regular troops, on a campaign, and it is suggested to your Honorable Body that some legislation is necessary further to carry out so important an object. It is believed that such a branch of learning, would attract attention throughout the whole country to our noble University, already so attractive, and increase its usefulness and fame, besides contributing to the military power and independence of the State. In view of the whole subject, your memorialists respectfully recommend in behalf of the State Board:

1st That the Governor of the State be authorized upon the happening of certain contingencies, to raise, arm and equip, with all the necessary arms, equipments, equipage, clothing, ammunition, provisions, and other supplies of war, a number of regiments of infantry, not over in number; batteries of artillery, not over in number; regiments of cavalry, dragoons, and mounted riflemen, not over in number, and that a sum, not exceeding \$ be appropriated to meet such contingency.

2d. That the present uniformed militia companies, so far as practicable, be enlisted in case such contingency arise. That if the uniformed volunteers be not sufficient, that voluntary enlistments be authorized, the officers thereof to be commissioned in such manner and after such election and organization of skeleton regiments and examinations as the Governor, through the Inspector General, shall institute and require—no officer of or above the rank of Captain be commissioned except upon such examination and satisfactory certificate of his proficiency for the rank to which he is appointed.

3d. That such a fair and efficient system of drafting from the enrolled militia be enacted, as will supply the deficiency of private soldiers, the Governor to designate the townships or counties from which, and the manner in which such drafts shall be made.

4th. That the present organization of division, brigade and regimental district, and company beats, according to geographical districts of the enrolled militia, be abolished by order of the Commander-in-chief.

That encampments and rendezvous hereafter be ordered only by the Governor, and that transportation and supplies in all cases be furnished therefor.

That the Military Board may compile and publish a set of regulations similar to the one of the army for the service, including the departments, which regulations, when approved by the Commander-in-chief, shall have the force of law.

5th. That the Governor be authorised to organize the active militia, and any force that shall hereafter be raised, according to the actual number of men necessary to form a company, the number of companies necessary to form battalions and regiments, and the number of regiments necessary to form brigades and divisions, together with the officers and non-commissioned officers thereof, upon the basis of the United States service, as it is, or may be when such organizations take place, from time to time. And that no officer of the enrolled militia be

allowed to exercise any rank or command over any part of the active militia, unless specially assigned and commissioned thereto by the Governor.

6th. That the Adjutant General, Quarter-master, Commissary, Inspector, Ordinance, Pay, Medical and Engineer departments be established by law, similar to the laws of Congress, with the following restrictions and modifications, viz :

1st. That one Adjutant General, who shall rank as Brigadier General, be appointed, and in time of war, to receive the same pay as that of a Colonel in the army.

That no person shall be appointed to this office who shall not have served at least five years in either the regular army or the volunteer militia, or both.

That there shall be an Assistant Adjutant General appointed for each military department that shall hereafter be formed, not to exceed four in number, in lieu of the geographical districts, as now constituted. The first of said Assistants to rank as Lieutenant Colonel, and the rest as Majors. No one to be appointed Assistant Adjutant General who shall not have received a military education at some military academy, or have served at least two years in a uniform volunteer company or regiment. The Adjutants of regiments to belong to this department, and, so far as practicable, the Assistant Adjutants, to be promoted or selected from them.

2d. The Quarter-master department shall consist of a Chief Quarter-master, who shall rank as Brigadier General, and not to exceed four Assistant Quarter-masters, to be appointed in the discretion of the Governor, to rank as Lieutenant Colonels and Majors, and to be selected, as far as practicable, from the regimental Quarter-masters. The Quarter-master's department to perform the duties of Commissary and Ordinance officers until the Governor shall find it necessary to make separate departments. A strict system of accountability of arms and all government property to be required, and all accounts audited in the Auditor General's office.

3d. The Inspector General to be separated from the office of Adjutant General, and to consist of an Inspector General with the rank of Brigadier General, who shall be inspector of the militia, and who shall devote his whole time and services to the duties of his office, and with the same number of assistants, and of the same rank as those in the Adjutant General's department, and to be appointed from officers ~~of~~ military experience of at least three years in both company and regimental duties. The Inspector General to be Inspector of Ordnance and Chief of Artillery and Engineers, to receive the same pay and emoluments as Adjutant General, with a per diem additional allowance when on tours of inspection and instruction, authorized by the Governor, or a salary in lieu thereof.

4th. The pay department to consist of a chief paymaster, who shall rank as Colonel, and appointed same as in Adjutant General department. The latter not to be appointed until their services are actually required, but the department formed, and officers detailed for special duty, when payments are to be made.

5th. The medical department the same as pay department.

6th. All disbursing and receiving officers to give bonds to be fixed by the Governor, for the faithful performance of their duties, the bonds and sureties of all officers to be approved by the State Treasurer.

7th. Captains of companies to receive \$5 a month for care and responsibility of arms and making their returns.

8th. In actual service of the State, all officers to draw pay and allowances of those in the service of the United States, one grade below.

9th. The active militia to consist of any number not to exceed forty companies, to be regimented and brigaded as the Governor shall direct. The companies to receive a per diem for days actually on drill, or in camp, and their transportation.

The above outlines contemplate a peace establishment, with a system of instruction and responsibility that will, if faithfully carried out, enable the Governor to raise a force on any contingency. To support it, we think a yearly tax of one-eighth of a

mill per cent. will be sufficient hereafter. But for the peace establishment of the present year, and in view of emergencies that may arise within the next sixty days, it is respectfully suggested whether a loan be not immediately necessary. By the plan we propose for establishing a Quarter-master's department, with only one or at most two officers of moderate compensation, who shall be governed by the strict rules of accountability which govern that department in the United States service—rules which are the result of vast experience, and applied to expenditures both great and small, and rules which are clearly laid down for guidance in every case that can arise—we think that the public money will be perfectly protected. It is not thought that a greater sum than \$25,000 will be needed this year, but it might be well to provide a contingent fund not to exceed \$100,000. In regard to the proposed plan of instructing officers and non-commissioned officers, instead of taking into pay the entire number of the body of militia, it has this striking advantage, that, while it provides for skeleton regiments of a better quality, it will, if provided for on the moderate scale we propose, save the State at least \$75,000 over the cost of a contingent force in the full ranks, within the next three months. It is on the same principle, that of instruction of officers, the army of the United States is kept in the highest state of efficiency, so far as instruction is concerned, at no more cost than serves to keep one first class frigate afloat.

Hoping that the blessings of peace may yet prevail over the evils of war—that no occasion shall arise for our country to take up arms, and that our Union may be perpetual, your memorialists will ever pray.

O. B. WILCOX,
A. S. WILLIAMS,

Com. of State Military Board.

At a meeting of the State Military Board, held at Lansing, the 25th of January, 1861, the foregoing memorial was adopted and ordered to be presented to the Legislature.

H. M. WHITTELSEY,

Secretary of the Board.



[No. 7.]

**REPORT of the Minority of the Committee on the Judiciary,
relative to the Fees of Witnesses in Criminal Cases.**

The undersigned, a minority of the committee on the judiciary,
to whom was referred

A bill to amend section 5690, of chapter 176, of the compiled laws, relative to fees of witnesses in criminal cases,

Dissents from the majority of said committee in the proposed substitute reported to said bill. He also dissents from the changes proposed by said bill, and considers that it would be bad public policy to adopt either plans proposed.

In the early history of this State, and in many other States, it has been the policy of the law to require the attendance of witnesses in criminal cases without any fees, except in the case of foreign witnesses or poor persons, where the court was authorized to allow reasonable sums out of the county treasury for expenses. It was considered that as criminal courts were held solely for the protection of persons and property by means of the trial and punishment of those who violate the laws, it was not a hard thing to require of every citizen able to defray his

own expenses, to attend as a witness for the public good. It was also deemed good public policy that no person should have a pecuniary interest in being a witness against his fellow man, and that the malice with which many prosecutions are urged should be tempered or restrained in the minds of accusers by the consideration that they would have to lose the time and pay their own expenses while attending the courts.

It is believed that that these reasons have lost none of their former force, nor were they entirely lost sight of, when, in the year 1849, the law (now proposed to be amended) was passed giving to witnesses residing out of the township or city where the court might be held, a travel fee of six cents a mile, and an allowance of seventy-five cents per day in courts of record, and fifty cents in justices' courts, with proportional amounts for each half days' attendance. This allowance was evidently designed to cover the actual expenses of witnesses, and not as a compensation for their time, and it is believed to be, on an average sufficient for the purpose intended.

The bill referred proposes to allow to such witnesses at the rate of a dollar and a half per diem in courts of record, and one dollar in justices' courts, and this whether the witnesses reside in the same or another township or city. The substitute proposed by the committee allows one dollar a day in courts of record, and fifty cents in justices' courts, whether witnesses reside where the court is held or in other townships or cities. While it may be said in behalf of the original bill that it contemplates compensation to all witnesses to an extent beyond their ordinary expenses, which would perhaps be proper, except for considerations of public policy. It may be remarked that the plan of the majority of the committee would compensate at the rates mentioned the witnesses living in cities and villages, and especially at county seats, *for their time*, while witnesses at a distance would have but little more than sufficient, on the average, to pay their expenses. Shall we add a numerous class of convenient witnesses to the justices of the peace and con-

stables who sometimes have an over anxiety to make money by criminal prosecutions.

It having been stated that some townships approach in size the smaller counties, it is respectfully suggested that if any change is to be made, it should be so as to allow fees in all cases where the witness travels a distance of three miles or more, and not otherwise. A substitute bill, in accordance with this suggestion, is herewith submitted, entitled

A bill to amend section 2 of an act entitled act relative to the costs of proceedings in criminal cases, approved March 13, 1849.

An effect of the original bill, if adopted, would be pretty certainly to quadruple the sums heretofore paid for witnesses in criminal cases. The bill as reported by the majority of the committee would more than double them; the change proposed in the accompanying substitute would probably slightly reduce them.

All of which is respectfully submitted.

EUGENE PRINGLE.



[No., 8.]

REPORT of the Committee on Education relative to establishing a Reform School for Girls.

The committee on education, to whom was referred the petition of 51 ladies of Detroit, members of the Ladies' Christian Union, for a reform school for girls, have had the same under consideration, and direct me to report thereon.

However humiliating to our pride the fact may be, it is nevertheless true that we have, all over our State, but more especially in the cities, no inconsiderable number of the victims of misfortune, vice and crime, in the persons of girls, whose condition calls for our sympathy and demands our aid.

No father or brother who has a soul properly imbued with the spirit of love and kindness which refined and elevated humanity exercises towards the sisters of our race, can contemplate and properly appreciate this subject, without feeling himself under the strongest obligations to act promptly and efficiently in behalf of these children of misfortune, who are but too often rendered such by the reprehensible conduct of those who should be to them as brothers and protectors.

These children appeal more strongly to our sympathies from the fact that society has, for a long time, as it were by common consent, doomed the female who once may have stepped aside, in some thoughtless or misguided moment, from the path of rectitude, to irrevocable infamy and unrestorable exclusion from respectable associations.

However wrong, however cruel it may be, it cannot be denied that while the offending brother is often restored to his place in society, the sister, his victim, whose crushed and bruised spirit is free from premeditated wrong, is forever barred from restoration.

It matters not, so far as the subject of this cruelty is concerned, who are in fault. It matters not that her more favorite sisters, whose sympathies should throw the mantle of charity over her, and whose arms of love and kindness should encircle and restore her, spurn her from their doors as a pestilential thing; her case appeals to us just as strongly,—yea, more strongly,—and demands, while we are preparing a home, a school, a haven of safety for her erring brother, that we bestow some thought on her—stay one moment, and listen to her complaint; that we furnish a refuge to which she can flee for safety from the sure destruction that awaits her without our aid. It is wrong to refuse or neglect any longer to provide for the daughters of the land, as we have for the sons, ample means for the education of those whose situation in life has shielded them from poverty, vice and crime, but it is cruel, it is *criminal*, to neglect to provide a refuge for those who, without it at our hands, must be irretrievably lost. None now doubt the propriety of providing the Reform School for boys; none doubt the great blessing it will confer upon its inmates, upon the State and the human race.

Is it because the character and influence of the brother is of so much more value to the world, that he is cared for, while the sister is neglected? Is it because science is more elevating, virtue and purity more lovely in the brother than the sister, that he is educated and reformed, while she is neglected and

cast out? Is it because his soul is more precious in the sight of God than hers, that he is put on the road to honor and usefulness, while she is left to be cast out in utter disgrace and wretchedness?

We hope that, notwithstanding the embarrassed state of our finances, there will be some means devised to accomplish this good work, to meet the pressing demands upon our sympathies and our sense of *justice*. Ought we not, if need be, to draw from the resources of some of the other institutions, or to come boldly up to the work, and claim what is right and is our duty to demand from the whole people, for these unfortunates? Ought we not to levy a tax sufficient to meet the demand? Ought we to be deterred and turned aside by mere cold dollar and cent considerations? Let us, by our acts, prove that

"Some feelings are to parents given,
With less of earth in them than Heaven;
And if there be a human tear
From passion's dross refined and clear,
'Tis that which virtuous fathers shed
Upon an erring daughter's head."

We recommend the establishment of an institution, at some time, in accordance with the prayer of the petitioners, to be located in some pleasant, healthy part of the State, accessible by railroad or steamboat, or both, where plenty of pure water can be obtained, and where the atmosphere is not tainted by the miasma arising from swamps or marshes, convenient to some good market town, but in the country, where nature's scenery is such as to inspire the souls with pleasure and gratitude to a beneficent Providence, and elevate the thoughts above the demoralizing and degrading influences from which they have been wrested by the benevolent hand of our State.

Desiring the accomplishment of the end, but doubtful as to the means, we offer the following resolution, and recommend its adoption, and ask to be discharged.

B. L. HILL, *Chairman*.

The following is the resolution reported by the committee:

Resolved, That the committee on ways and means be requested to report to the House at some future day, what means, if any, can be provided for the establishment of a Reform School for girls, and if in the opinion of said committee, sufficient provisions can be made, to report a bill for the said school, and that the petition be referred to said committee of ways and means;

[No. 9.]

**REPORT of the Committee on Public Lands, relative to the
State Swamp Lands.**

The committee on public lands, to whom was referred so much of the Governors' messages as relates to the public lands, have had the same under consideration, and direct me to report:

That the policy heretofore inaugurated, to reclaim the swamp lands by means of roads and ditches, meets our approbation. The law regulating the same, however, should be so amended as to lessen the expense, and still be more efficient. In accordance with this view we have reported a bill amendatory to act No. 117, of session laws of 1859, the provisions of which are, in our opinion, amply sufficient to accomplish the ends sought:

1st. There is to be but one commissioner.

2d. The contractor may select his lands upon the approval of his contract by the State Board.

3d. He may make the selection from any lands applicable to his road, without regard to county limits in which the road is located.

The single commissioner, being at all times subject to direc-

tion and control, or removal, by the State Board, and being obliged to report as often as said Board shall direct, is under such restraint as in our opinion will be an ample safeguard against abuse of his powers.

The saving of expense by having only one in stead of three commissioners, as at present provided, is a sufficient argument in favor of the change.

The provision for withholding from market the lands selected by the contractor, until the time of completing his work, it is believed will more effectually secure the taking of such jobs by responsible men, with capital to enable them to go on with the same, independent of any aid from the treasury, thus making the lands alone build the roads and construct the ditches.

The right of a contractor doing a job in one county, to select his lands in another, will in many instances, enable such contractor to take lands convenient to his residence, though his work may be done in a distant county, and though the land selected, as will often be the case, may be of less intrinsic value, it is more desirable to him from the fact of its being in his immediate vicinity; while the lands on the road constructed, will be left open to entry by actual settlers.

We find that the State is at this time indebted to contractors on roads, for work already done, to the amount of \$30,507.71, payable, according to their contracts, in *cash*. (See statement A hereunto attached.)

Some of said contractors have expressed a willingness to take lands in liquidation of their entire claim, and others a part of theirs at least, provided they can have the privilege of making the selection from any of the swamp lands in the State. What difference can it make to the State, whether the lands be taken, or the money arising from the sale of the same, whenever located, as is now the case? There can certainly be no objection to this mode of payment, and if such right of selection is more valuable for the payment of a debt already due, it is equally so for the construction of new roads.

In order to give the House a better understanding of the

whole matter, the committee have procured and herewith present a statistical table, (marked B,) whereby it will be seen that the whole amount granted to the State is 5,890,361 acres, of which the State has received patents for 5,082,375 acres, leaving unpatented 807,985 acres.

Amount disposed of, 429,489 acres, showing the amount unsold to be 5,460,871 acres. Included in the amount disposed of is the amount licensed, 75,422 acres.

By reference to the statistical table herewith annexed, the amount in each county will be easily ascertained.

It will be seen that the amount of land yet undisposed of is very great, and that we need have no fear of exhausting it by liberal appropriations for roads and drainage. It should not be squandered, though the policy of putting it into valuable and permanent improvements, calculated to induce settlers to occupy and cultivate it, to as great an extent as possible, is earnestly recommended.

The committee are decidedly of the opinion that the appropriation of the lands themselves, rather than agreeing to pay money hereafter, to accrue from sales, is far the best policy; as in so doing the contractor will know for a certainty that his pay is ready on the completion of his work, instead of being left in doubt as to when the funds will be realized. Besides, the State will at no time be a debtor with inability to cancel the claim according to her agreement with the contractor.

The committee are also of the opinion that the granting of these lands to actual settlers by a former Legislature was a move in the right direction. They would, however, recommend such a change in the law as will allow the settler to take 80 acres, or any fractional lot over 40 and less than 80 acres, or even 80 and less than 120 acres; paying for all over 80 acres, in the latter case, at the minimum price paid by law, and at the same time providing some more effectual means for insuring the drainage, improvement and occupancy of the homestead thus donated. The grant of 80 acres would induce a more desirable class of persons to settle on the lands, especially if such persons

were allowed to purchase an additional 80 acre lot under the provisions of the act for the sale by payment of one quarter down, and we recommend that such a provision be incorporated into the act as an amendment to the law now in force. The occupant under license should also have the privilege, at any time, of paying for the land licensed at the minimum price, and receive a patent from the State.

In accordance with these suggestions the committee have prepared and herewith present a bill embodying such provisions as they believe will meet your approbation, and recommend its passage, and ask to be discharged from the further consideration of the subject.

All of which is very respectfully submitted.

J. C. WATERBURY, *Chairman.*

STATEMENT A.

Statement of Swamp Land Road Accounts.

TITLE OF ROAD, &c.	Amount of App'ns.	Am't paid.	Balance.
Ionia, Houghton Lake and Mackinac State Road,.....	\$ 7,870 72	\$5,622 04	\$ 2,248 68
Newaygo and Northport State Road,.....	13,118 82	3,118 09	10,000 73
Port Huron, Bay City and Lansing State Road,.....	19,415 11	15,597 65	3,817 46
East Saginaw and Sauble State Road,.....	5,246 67	2,438 09	2,808 58
Lexington and Flint River State Road,.....	3,204 63	2,280 81	924 82
St. Mary's River and Mackinac State Road, (overdrawn,)..	1,430 00	2,743 27	1,313 27
Ontonagon and State Line State Road,.....	4,290 00	1,321 69	2,968 31
L'Anse Bay and State Line State Road,.....	3,575 00	2,556 84	1,018 16
Marquette and Bay De Noc State Road,.....	5,006 00	2,731 58	2,274 42
Allegan, Muskegon and Traverse Bay State Road,.....	8,344 15	4,851 98	3,492 17
State Ditches,.....	3,500 00	1,280 25	2,219 75
	\$75,000 10	\$44,492 89	\$30,507 21
Amount overdrawn,.....			1,313 27
			<u>\$30,507 71</u>

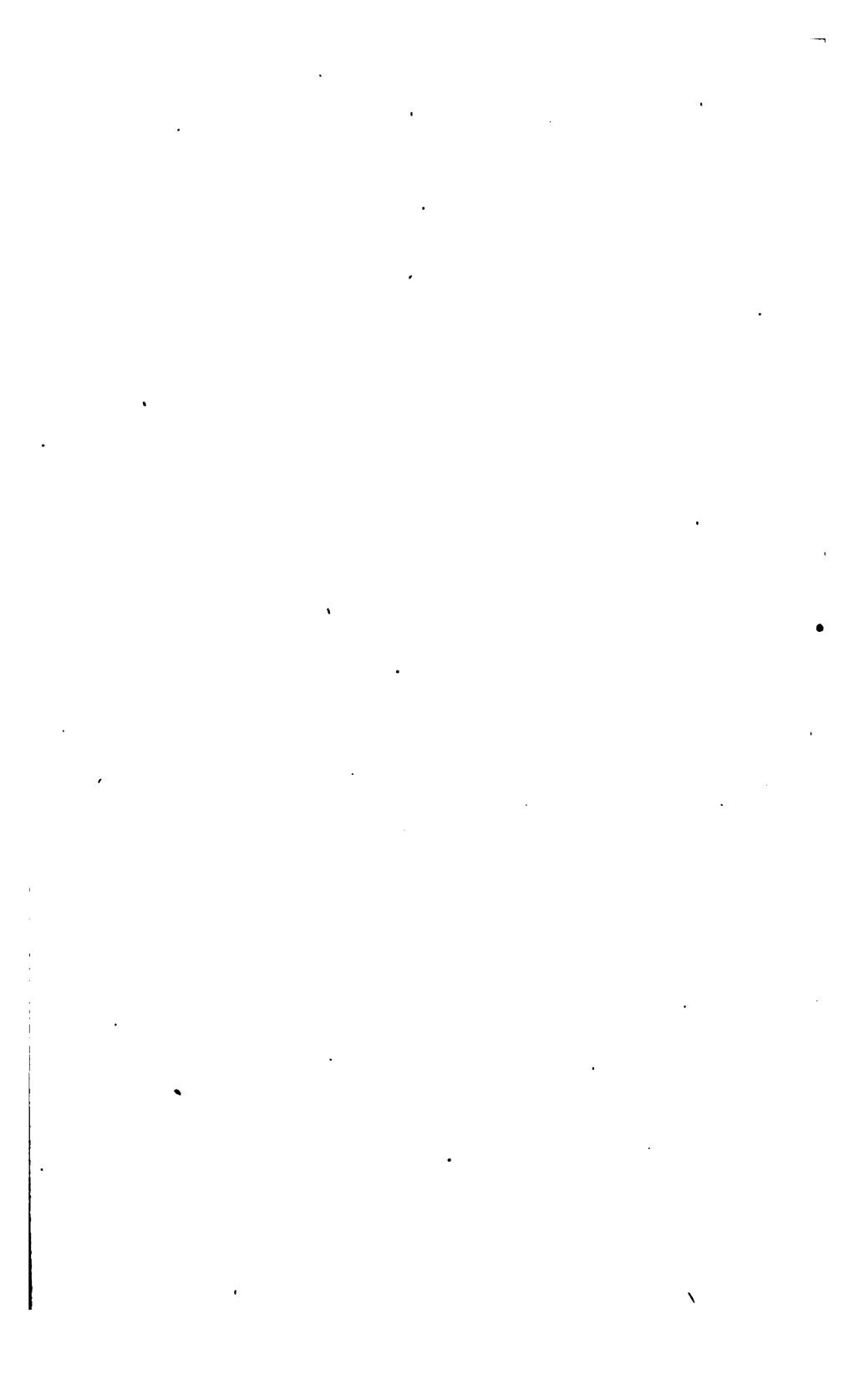
STATEMENT B.

Swamp Land Statement, showing amounts sold, licensed and unsold in each county, to January 1st, 1861.

COUNTY.	Amt. Swamp Land in.	Amt. patented.	Amt. not patented.	Amt. sold, including Licences.	Amt. unsold.	Amount Licensed.
Alcona,	122,940.15	122,940.15		1,343.92	121,596.23	144.25
Allegan,	33,169.17	33,169.17		16,187.16	16,982.01	6,148.99
Alpena,	251,014.73	251,014.73		4,368.50	246,646.23	140.00
Antrim,	38,980.60		38,980.60		38,980.60	
Bay,	117,174.42	117,174.42		15,112.44	102,061.98	5,253.19
Barry,	5,167.75	5,167.75		4,487.97	699.78	1,451.28
Borrien,	7,432.09	7,432.09		7,326.80	105.29	
Branch,	4,499.42	4,499.42		4,499.42		
Calhoun,	12,910.65	12,910.65		12,382.95	547.70	40.00
Cass,	7,421.39	7,421.39		6,853.87	567.52	
Cheboygan,	177,540.33	139,819.22	37,721.11	2,095.06	175,475.27	1,211.65
Chippewa,	531,573.56	531,573.56		467.00	531,105.96	276.15
Clare,	93,720.56	59,950.08	33,770.48	2,951.92	90,769.64	
Clinton,	23,312.35	19,683.91	3,628.44	12,038.40	11,273.95	555.77
Crawford,	41,311.65	23,970.37	17,341.28		41,311.65	
Delta,	498,635.24	498,635.24		3,914.95	494,720.29	
Eaton,	15,237.99	15,237.99		10,684.12	4,553.87	1,703.81
Emmet,	105,808.28		105,808.28		105,808.28	
Genesee,	4,197.64	4,197.64		3,671.15	526.49	952.03
Gladwin,	100,643.25	100,643.25		2,462.27	98,180.98	
Grand Traverse,	29,264.95		29,264.95		29,264.95	
Gratiot,	50,750.38	47,885.15	2,865.23	13,606.45	37,143.93	4,227.62
Hilledale,	1,299.78	1,299.78		1,299.78		
Houghton,	98,711.43	98,711.43		11,175.48	87,535.95	6,428.35
Huron,	170,301.78	170,301.78		15,761.31	154,540.47	320.00
Ingham,	16,333.75	16,333.75		12,110.35	4,223.40	1,235.50
Ionia,	11,070.51	11,070.51		8,280.12	2,790.39	342.64
Iosco,	69,018.71	69,018.71		890.19	68,128.52	490.00
Isabella,	53,063.63	27,936.51	25,167.12	3,717.72	49,375.91	
Jackson,	4,801.45	4,801.45		4,801.45		
Kalamazoo,	5,684.78	5,684.78		5,519.41	165.37	
Kalkaska,	44,634.15		44,634.15		44,634.15	
Kent,	14,791.18	14,791.18		11,062.81	3,728.37	2,717.74
Lake,	23,266.69	12,082.19	11,184.50		23,266.69	
Lapeer,	20,856.89	20,856.89		12,963.19	7,902.70	4,587.33
Leelanaw,	33,421.20		33,421.20		33,421.20	
Lenawee,	1,800.00	1,800.00		1,800.00		
Livingston,	3,796.64	3,796.64		3,134.16	662.48	
Mackinac,	353,223.22	353,223.22		1,006.25	351,616.97	805.70
Macomb,	41.65	41.65		41.65		
Manistee,	47,633.00		47,633.00		47,633.00	
Manitou,	3,500.96	3,500.96		399.71	3,101.25	80.00
Marquette,	464,945.55	464,945.55		3,914.86	461,030.69	
Mason,	42,497.16		42,497.16		42,497.16	
Mecosta,	61,681.29	61,681.29		11,769.88	49,911.41	3,394.00
Midland,	35,850.88	35,850.88		2,703.83	33,147.05	240.00
Missaukee,	104,244.08		104,244.08		104,244.08	
Monroe,	4,563.85	4,563.85		2.00	4,561.85	
Montcalm,	33,341.55	33,341.55		10,716.77	22,624.78	4,331.64
Montmorency,	102,470.28	102,470.28		160.00	102,310.28	
Muskegon,	47,881.12	34,004.74	13,876.38	2,492.27	45,388.85	720.00
Newaygo,	74,170.58	44,007.78	30,162.80	2,815.01	71,355.57	1,068.23
Oakland,	2,365.45	2,365.45		2,115.99	249.45	120.00
Oceana,	44,045.87		44,045.87		44,045.87	
Ogemaw,	65,121.44	65,121.44		1,601.00	63,520.44	
Ontonagon,	109,191.61	109,191.61		513.95	108,677.66	
Osceola,	46,629.95	46,629.95		4,725.80	41,904.15	
Oscoda,	22,924.75	22,924.75			22,924.75	
Otsego,	39,287.70	31,734.97	7,552.73		39,287.70	
Ottawa,	27,699.27	27,699.27		5,709.39	21,989.88	2,120.00
Presque Isle,	217,867.90	217,867.90		967.30	216,900.60	
Roscommon,	100,275.37	43,656.91	57,618.46		100,275.37	
Saginaw,	65,875.27	65,875.27		20,066.00	45,809.27	7,338.34
Sanilac,	143,807.61	143,807.61		57,520.74	86,286.87	4,237.57
Schoolcraft,	599,640.31	599,640.31	49,287.32		599,640.31	
Shiawassee,	17,061.78	17,061.78		12,012.41	4,049.37	1,969.79

STATEMENT B—CONTINUED.

COUNTY.	Amt. Swamp Land in.	Amt. patent- ed.	Amt. not patented.	Amt. Sold, including Licences.	Amt. unsold	Amount Licensed.
St. Clair,	28,427.57	28,427.57		17,098.86	11,338.72	1,798.94
St. Joseph,	3,883.06	3,883.06		3,843.06	40.00	
Tuscola,	108,932.98	108,932.98		21,961.82	87,561.11	7,663.87
Van Buren,	26,965.06	26,965.06		26,673.96	1,311.10	890.00
Washtenaw,	1,749.94	1,749.94		1,749.94		
Wayne,	120.00	120.00		120.00		
Wexford,	27,389.91		27,389.91		27,389.91	
	5,890,361.49	5,062,375.94	607,995.55	429,489.96	5,460,871.63	75,422.07



[No. 10.]:

REPORT of the Minority of the Committee on the judiciary, relative to amending certain sections of the Compiled Laws in regard to the competency of witnesses and the examination of parties in certain cases.

The undersigned, a minority of the committee on the judiciary, to whom was referred Senate bill No. 11, being

A bill to amend certain sections of the compiled laws, in regard to the competency of witnesses and examination of parties in certain cases,

Respectfully report that while they concur in recommending the amendments which have been proposed by the majority of the committee, and approve the main features of the bill as amended, they believe that still further amendments ought to be made.

The plan of introducing parties to civil suits as witnesses for or against themselves, though it may seem in another form the revival of the obsolete practice of wager of law, in which the defendant was allowed, when sued, to come forward and swear that he did not owe the debt, or that he had paid it, and to go

scot free in case he could bring eleven of his neighbors to swear that they believed him, has still much merit in it, if limited to cases where both parties may come upon the stand, or make depositions to be used in court. It is, however, yet an experiment, the plan having been tried but a few years only in England, and some of our American States. The idea of our simple-minded British ancestors, who thought that "no man would forswear himself for any worldly thing," is probably not so much that of the friends of this bill, as the other idea that at the risk of many perjuries, the truth may be made more evident. It may be remarked that it is likely to bring the services of skillful advocates more into demand, and hence that it will afford some "incidental protection" to a very worthy class of citizens. It may be commended as merely to engage in the experiment with the rest, instead of waiting to see how it succeeds in other States and countries.

The undersigned are in favor of striking out that provision of the bill giving to a defendant in criminal cases liberty to make a statement to the court or jury, and the right to the prosecution of cross examination upon such statement. The presumption of the law is that the accused is innocent until proved guilty, and the undersigned believe that this provision can only be justified upon the opposite presumption. It is believed that its evident tendency, in a vast majority of cases, would be to make the conviction of either guilty or innocent men easier. It is left optional with the defendant, but he is sure to be prejudiced before a jury, if he does not come upon the stand. Unprofessional juries will not be very likely to understand why the counsel of an innocent man would in many cases keep his client mute, when all are anxious for the explanation which he might give. Yet in most cases the accused will not be surrounded by his friends, but by those who, in spite of themselves, perhaps, look in every word he utters for a confirmation of his guilt. He will see and feel this, and as he goes, for it may be the first time upon the stand, with all the weight of a large responsibility upon him, it is likely that his memory

may fail him, and that in his confession he may be tempted to utter words irrelevant or not strictly true. He is not likely to give an entirely accurate account, or life-like picture, of what has occurred, for to do this is one of the most difficult achievements of the clearest headed and most observing. If he does not break down upon a cross examination, he is likely to state what may appear to be contradictions of witnesses who have testified, and if the jury shall deem him untruthful in the least material matter, his conviction is pretty certain. It will no avail much to say that the prosecuting attorney, being a public officer, will favorably construe his statements, and do an innocent man no harm by his cross examinations. Such is not human nature. The public officer, however conscientious, acts upon the conviction that the prisoner is guilty, and arranges his evidence and his cross examinations expressly to support that theory. Ordinary observation will, it is believed, confirm the statement that in a great majority of cases, the attorney for the people is quite as much or more in earnest during trials than the counsel in civil suits.

If in any given case the person be innocent, and all the facts can go before the jury in their natural order and sequence, they will give a complete explanation of the circumstances which have been proved, indicating guilt. These facts will rest upon and support each other, be entirely harmonious with the circumstances shown against the prisoner, and will enable the jury to form a theory consistent with his innocence. It is always the duty of the prosecution to adduce such proof as shall preclude every theory but that of guilt, and it is always the privilege of the accused to suggest, by himself or counsel, any reasonable explanation of the circumstances proven. A truthful explanation is always natural and reasonable if all the truth be stated, and this can ordinarily be better suggested by and brought to the jury by counsel, than by the embarrassed client. The old adage, "He who pleads his own cause has a fool for a client," will perhaps give a hint of the dangers to be encountered by

innocent as well as guilty persons who come before a jury to make statements and to be cross examined.

The undersigned believe that the adoption of this provision would be carrying the experiment altogether too far.

The undersigned are also in favor of striking out all the provisions of this bill, which give to husband and wife the right to testify for and against each other upon consent of both. The intimate and confidential character of the marital relations, the mutual interests of husband and wife, and the considerative recognized by the common law, that the husband exercises a controlling influence over the wife, so great that she is ordinarily deemed to have acted by coercion, if she commits a crime in his presence, have led to such legal rules as that they two cannot alone be guilty of a conspiracy ; and that the testimony of a wife shall in no case be held to corroborate that of a husband. Modern laws, indeed, allow the wife to hold separate property, to sue and be sued, to make contracts, and all things relating to her separate property, as though she were single ; and it is believed that these laws are upheld by sufficient reasons ; but at the same time, experience has abundantly shown that the effect of all this change is not materially to alter their relations. The husband is practically as much the head of the family now, and exercises as great an influence over the wife, as he did three hundred years ago, when she was denied all separate rights.

It is believed by the undersigned, that the experiment will have been carried quite far enough when the plaintiff and defendant are allowed to testify against each other, and that great temptations to perjury and little additional prospect of eliciting truth would be afforded if their wives or husbands were allowed to come upon the stand.

Further amendments are herewith submitted, designed to relieve this bill from the features deemed objectionable, in which the concurrence of the House is respectfully asked.

EUGENE PRINGLE,
G. E. PRATT.

LEGISLATURE, }
1861. }

{ HOUSE Doc.
No. 11.

[No. 11.]

*Condition of the Detroit Savings Fund Institute, December 31,
1860.*

LIABILITIES.

To depositors, (numbering 1,186),.....	\$282,269 48
Excess of means,.....	3,238 64
	<hr/>
	\$285,508 12

MEANS.

Bills discounted,.....	\$120,523 11
Bonds, (U. S. and State,).....	23,290 00
Mortgages, (property in city of Detroit and Wayne county,).....	36,077 85
Office furniture and safe,	1,052 65
	<hr/>
	\$180,943 61

CASH.

On deposit at Detroit,.....	\$21,836 95
" " New York and Boston, ...	24,923 72
" hand,.....	57,803 84
	<hr/>
	104,564 51
	<hr/>
	\$285,508 12

STATE OF MICHIGAN, }
County of Wayne, } ss.

Alexander H. Adams, of said county, being duly sworn, doth depose and say, that he is the Cashier of the Detroit Savings Fund Institute, and as such is acquainted with the affairs and condition of said Institute; that the foregoing statement is a true report of all the funds and investments of said Institute.

A. H. ADAMS.

Sworn to and subscribed before me, this 3d day of January,
A. D. 1861.

HOBART MILLER,
Notary Public, Wayne Co., Mich.





[No. 12.]

COMMUNICATION from the Auditor General transmitting a
Statement of Accounts with certain Counties, &c.

AUDITOR GENERAL'S OFFICE, {
Lansing, February 1, 1861. }

Hon. Dexter Mussey, Speaker of the House of Representatives:

In compliance with a resolution passed by the House on the
12th January, ult., I have the honor to transmit the following
report:

1. The amount of delinquent taxes for 1859, returned to this
office for collection (see Schedule "K" Auditor Gen.'s Report,
1860) is..... \$819,769 82

Of this amount, the portion returned as State tax

is..... 20,129 38

No State tax was returned *separately* from Manistee county,
and none whatever from Houghton county; both are omitted
from the above amount of State tax returned.

2. The amount of delinquent taxes for 1859, paid at this
office, to January 1, 1861, is as follows:

On Auditor General's receipts..... \$60,086 97

On sales to individuals by the county treasurers at annual tax sales in October last, (excepting sales in Saginaw county which the county treasurer has refused to settle) about..... \$60,651 65
 On sales and redemption of State bids since October, 3,000 00
 3. The amount of State tax included in State bids, about..... 3,100 00

4. With reference to "whether all the money received by the State up to the first day of January, 1861, on account of the delinquent taxes returned from the several counties not indebted to the State, other than State tax, have been paid over to the several counties in accordance with section 856 of the compiled laws," the law has not been *literally* complied with. In the collection of taxes, the *modus*, based upon the fact that the account with the several counties upon the books of this office is of the nature of a collection account purely, is this: Each county is credited with the entire amount of its delinquent taxes returned, less the amount of rejections for erroneous assessments and irregular descriptions, and interest allowed from the first day of February, at which time the State tax falls due; the credit side of the account also receives all moneys paid in by the county treasurer; the debit side receives the State tax, taxes charged back, amount collected by the county treasurer, and cash paid to the treasurer. The cash account is stated as follows, whenever desired: Suppose the county to have a credit balance on the ledger, and the time to be after the October sales—to the credit balance is added all collections at this office not in the ledger balance; from this amount is deducted, the amount of uncollected taxes and any other debit item which may not have reached the ledger; the balance, if any is cash due the county. For example:

SANILAC COUNTY.

January 30, 1861, (reference being had to Schedule I, J, K, Auditor General's report 1860, for ledger balances, State bids and State tax lands.)

Ledger balance,..... \$7,455 54 .

Add for collections, since sales, at this office,	\$639 31	
		<u>\$8,094 85</u>
Deduct amount of State bids and State tax lands,	\$6,784 65	
Cash p'd county treasurer, not in ledger,	500 00	
Redemptions received by county treasurer, not in ledger,	165 28	
Cancelled taxes, to be charged back, not in ledger, (say)	244 92	
		<u>7,694 85</u>
Cash balance in favor of the county,		<u><u>\$400 00</u></u>

MANISTEE COUNTY.

Ledger balance,	\$3,289 86	
Collections, since sales, at this office, ..	28 68	
		<u>\$3,318 54</u>
Take State bids and State tax lands, ..	\$1,360 43	
Canal land taxes, (see table annexed,) ..	2,244 06	
Taxes to be charged back, (say)	125 00	
		<u>3,729 49</u>
Cash balance in favor of the State,		<u><u>\$410 95</u></u>

HOUGHTON COUNTY.

Ledger balance,	\$6,391 22	
Collections at the office since sales,	63 23	
		<u>\$6,454 45</u>
Take State bids and State tax lands, ..	\$3,817 06	
Canal land taxes, (see table annexed,) ..	4,481 01	
Taxes to be charged back, say,	100 00	
		<u>8,398 07</u>
Cash balance in favor of the State,		<u><u>\$1,943 62</u></u>

WAYNE COUNTY.

Ledger balance, (debit),	\$12,808 20	
Add State bid and State tax land,	10,826 08	
Taxes to be charged back, say,	200 00	
		<u>\$23,834 28</u>

Deduct collections at this office since sales,..... \$516 59

Cash balance in favor of the State,..... \$22,772 69

At first glance, it might appear improbable that new counties like Manistee and Houghton, should be in debt to the State, in cash account. The fact is readily accounted for in the consideration that the State advances the printing charges and all the other expenses attending the October sales, while the collections at this office are insufficient to cancel the State tax.

5. The amount of canal land taxes returned to this office for the years 1856, 1857, 1858 and 1859, is as follows (see table annexed.)

6. The amount due the several counties of the Upper Peninsula on account of specific mining taxes, is as follows :

Due Houghton county,..... \$ 604 52

Due Ontonagon county,..... 8,873 92

Thus far this report has been confined to the questions proposed in the resolution of inquiry ; but for a more complete understanding of the matter, I have thought it advisable to add as follows : The former part of this communication appears to account for only a portion of the amount of delinquent taxes returned ; the entire returns are accounted for thus :

Total returns,.....\$319,769 82

Amount accounted for above on Auditor General's

receipts and county sales,.....\$120,744 69

Balance,.....\$199,025 20

Of this amount there has been paid to
county treasurers and charged over
to the several counties, upon abstracts

of receipts as reported by them,.....\$125,228 68

A further amount is incorporated in State bids, (Schedule J.).....

\$66,364 02

Less printing charges and

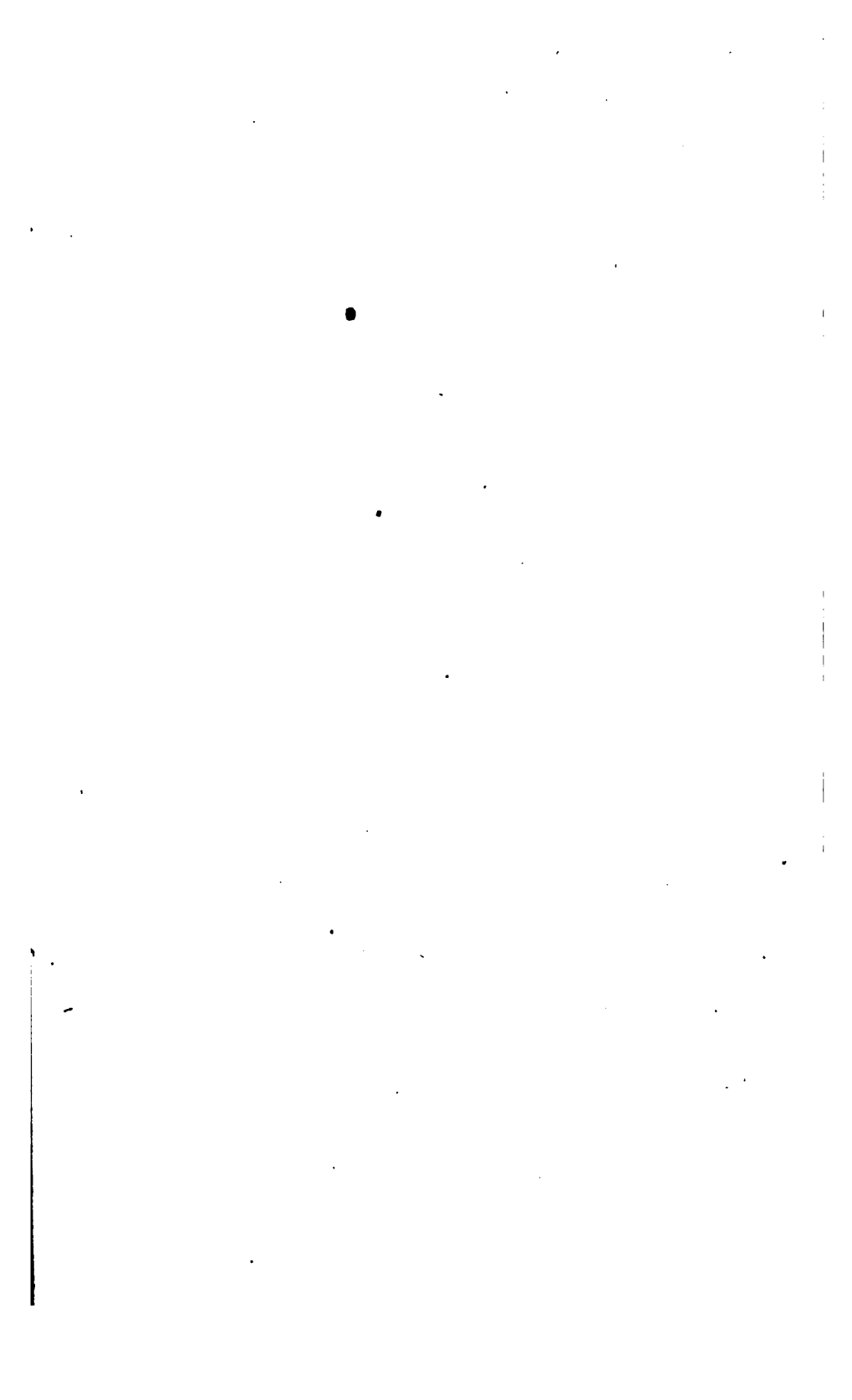
interest,..... 18,574 45

52,789 57

Amount of canal taxes, (see accompanying table,).....	\$19,602 98
Leaving an amount for canceled taxes to be charged back to counties, of...	1,403 97
	<hr/>
	<u>\$199,025 20</u>

All of which is respectfully submitted.

LANGFORD G. BERRY,
Auditor General.



*Statement of Delinquent Taxes Returned upon "Canal Lands"
to Auditor General's Office by Counties.*

COUNTIES.	1886.	1887.	1888.	1889.	TOTAL.
Alpena,			\$ 117 39		\$ 117 39
Cheboygan,		64	71 44		72 08
Grand Traverse,	61	568 29	1,020 47	\$1,080 07	2,636 04
Grafton,	\$ 60		80 41	411 08	600 04
Houghton,		1,269 28	1,264 66	1,908 17	4,481 01
Innoc,				173 08	173 08
Isabella,				2,570 00	2,570 00
Mackinac,		99 21	319 96	314 04	688 29
Manistee,	365 42	280 87	456 11	1,019 60	2,344 00
Marquette,	677 18	1,925 66	1,908 46	1,469 08	6,336 17
Mason,	339 80	197 99	568 68	981 79	1,974 10
Macosta,				800 45	800 45
Midland,	10 28	2,408 28	3,142 78	2,546 30	3,102 74
Montcalm,	1,456 78	47 40	387 79	2,071 84	3,963 81
Keweenaw,	363 60	964 42	1,801 08	912 60	3,981 84
Oscoda,	39	310 70	946 16	1,302 22	2,456 47
Ontonagon,	1,026 84	1,176 71	2,021 27	1,873 00	6,097 41
Sault,		8 06			8 06
Tuscola,	52 47	66 41	47 04	60 36	235 90
	\$6,121 47	\$9,241 55	\$14,018 38	\$19,602 96	\$48,084 36

NOTE.—The above table includes no interest—only taxes; while the amounts are included in the credits of delinquent taxes to the several counties, and have borne interest from the first of February in the year following their assessment. To produce a corresponding amount, interest should be added, or \$7,500. Also, an amount for expenses of sale for 1886 and 1887 paid by the State, \$2,000 00.



LEGISLATURE, }
1861. . }

{ HOUSE DOC.
No. 18. }

[No. 13.]

COMMUNICATION from the Attorney General in regard to the Constitutionality of a bill before the Legislature, providing for a Military Fund and Force.

ATTORNEY GENERAL'S OFFICE, }
Lansing, February 6, 1861. }

HON. A. W. DAVIS, *Chairman of the Committee on Militia, House of Representatives:*

SIR:—In reply to the inquiry of your committee, as to the constitutionality of section 1 of "a bill to provide a military fund and force," made in pursuance of a resolution of the House of Representatives, passed February 5th, 1861, I submit the following:

The section of the bill referred to cannot well be considered separate and apart from the preamble and other portions of the bill, as said section 1 only provides for authorizing the Governor and State Treasurer, in the name of the people of the State, to negotiate a loan not exceeding the sum of one hundred thousand dollars, without specifying the object or purpose of the loan.

The constitution having limited the power of the legislature to contract debts, it results that when any debt is sought to be

contracted by legislative authority it must be comprehended within the constitutional provisions.

By section 7, of article 14, of the constitution, it is provided that "no scrip, certificate, or other evidence of State indebtedness shall be issued except for the redemption of stock previously issued, or for such debts as are expressly authorized in this constitution."

By section three of the same article, it is provided that "the State may contract debts to meet deficits in the revenue. Such debts shall not, in the aggregate, at any one time exceed fifty thousand dollars."

It is believed that the State has already contracted the full amount of indebtedness permitted under this clause of the constitution, and the section of the bill in question does not seem to claim any authority to negotiate the said loan under said clause, but from the preamble and other parts of said bill it is inferred that the authority for such loan is supposed to be found in section four of said article fourteen of the constitution, which provides that "the State may contract debts to repel invasion, suppress insurrection, or defend the State in time of war."

It is apparent from the language used, that the invasion to be repelled, contemplated by the Constitution, is an invasion of this State, and the insurrection to be suppressed is an insurrection within the State; while the phrase "in time of war," must have a more comprehensive and extended signification.

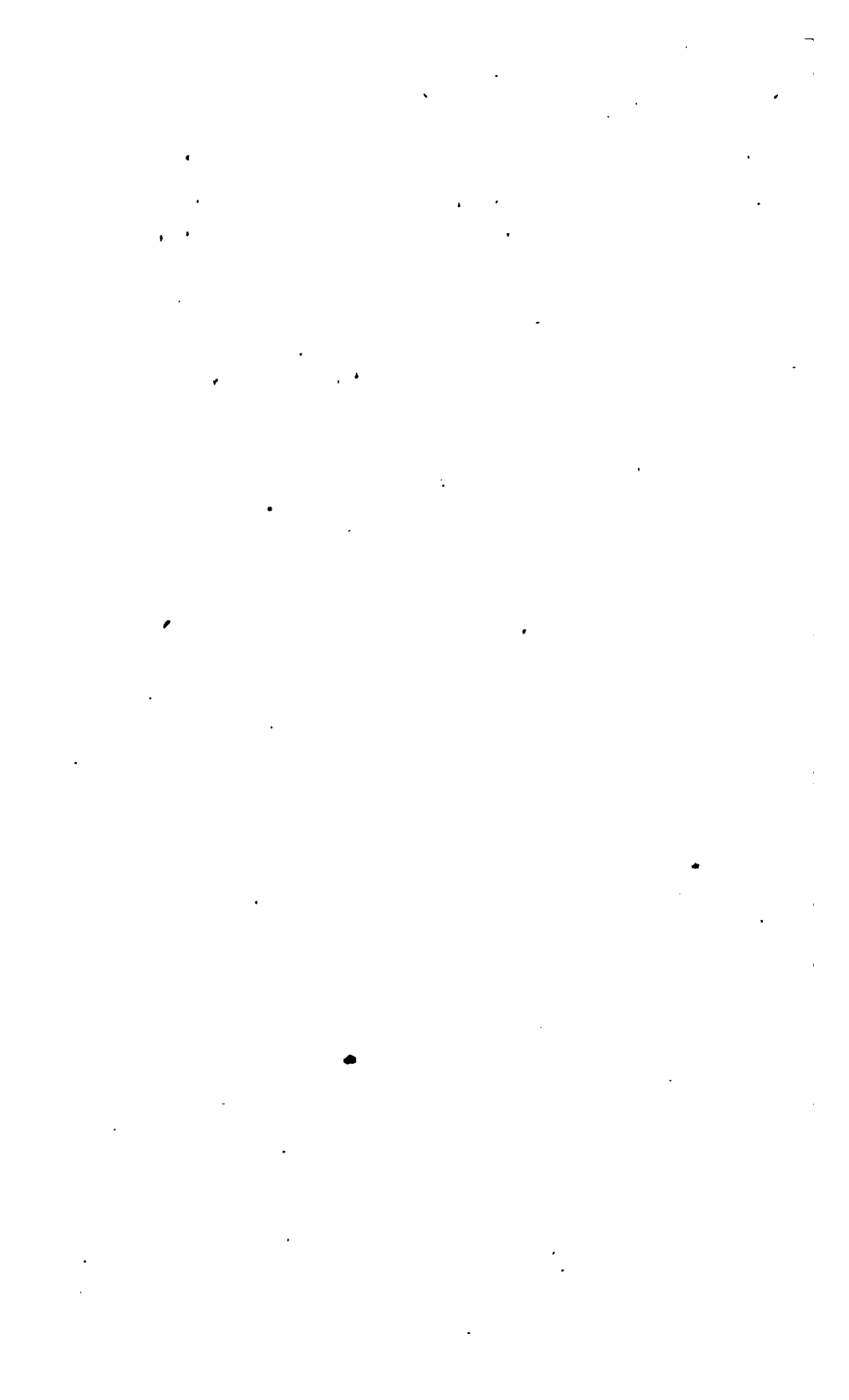
It is peculiarly the province of the Legislature to determine when the emergency or necessity, in any of the three cases specified in the Constitution, exists.

If in the judgment of the Legislature it is necessary, for the purpose of repelling any actual or threatened invasion of the State, or of suppressing any insurrection within it, to raise the money contemplated by the section referred to, or if, in the judgment of the Legislature, a war is now existing which renders it necessary to make said loan for the purpose of defending the State, then, in my opinion, such loan is authorized to be made now, by the Constitution. If, however, no such necessity

is found to exist, I can see no constitutional authority for making the loan contemplated by said section 1 of the bill referred to ; and from the preamble to said bill, it would seem that it may be intended for a more general purpose, though perhaps one not less patriotic and praiseworthy.

Very respectfully,

CHARLES UPSON.



[No. 14.]

**REPORT of the Committee on the Asylum for the Deaf and
Dumb and the Blind.**

The committee on the Asylum for the Deaf, Dumb and the Blind, to whom was referred so much of the Governors' messages as relates to the Asylum for the Deaf, Dumb and the Blind, ask leave to make the following report :

That in accordance with the resolution authorizing them to visit the Asylum at Flint city, they have performed that duty, and through the kindness and attention of the Principal, Mr. Fay, and his lady, were afforded every facility necessary for examining into the condition and management of the same, and were highly gratified with the domestic arrangement and the economy and comfort with which that department was carried on, giving to each the advantages which members of a well ordered family enjoy.

The number of pupils at present taught in the school is about 96, and the cost of their maintenance is about \$100 each a year.

Neatness, order, and precision mark every movement, and your committee were no less astonished than pleased to mark

the varied degrees of intelligence manifested in the countenances of the pupils, by the advancement they had made in the different branches of literature.

In the youngest class, (that is, the one the least advanced,) there were those whose countenances indicated that the light they had received into their dark minds, was as the twilight preceding the early dawn of day; in others the early dawn had arrived, enabling them to see indistinctly the pathway before them which leads to a full realization of their responsibility as moral agents; others again had received more light, and were evidently rapidly preparing to emerge into fuller day.

In the second class, (or next in gradation,) the countenance indicates that the darkness is being rapidly dissipated by the rising light, and that they are preparing to receive that degree of light and truth in regard to surrounding objects, and the world to which they stand related, which will qualify them to enjoy life and pursue happiness, in common with their fellow beings.

In the third and most advanced class of mutes, the whole countenance seemed lighted up with intelligence and the eye beamed with pleasure at every new idea. The sun of science had risen upon them, and ushered them into the perfect day; nature is to them no longer a sealed book, but they are taught and readily learn to "look through nature up to nature's God."

These three classes are taught by mutes, who seem to be fully qualified for the discharge of their duties, and we are happy to be able to add our testimony to that of the Principal, that "their efforts have been crowned with success."

The blind, shut out from the light, have in this institution everything done for them that can have a tendency to ameliorate their condition. To them are preserved the faculty of hearing, talking and feeling. With the ear they receive oral instruction, which makes a deep and abiding impression on their minds; as the memory is much relied upon, and in constant exercise, they retain much that is taught them in this way. Conversing with each other, which they engage in with

a zest apparently known only to those who are deprived of sight, is another means of reproducing and fastening upon the mind the lessons which they are taught in the school-room.

To the blind the sense of feeling is like the magnetic telegraph to the outer world. With great velocity they turn from page to page, and find any chapter in the bible which may be named, and read it with the ends of their fingers, with astonishing rapidity, enunciating, emphasising and punctuating with facility and correctness.

Many of the class are far advanced in history and the higher mathematics, answering questions in history and solving problems in mathematics in a manner that would be creditable to pupils in any of our high schools.

In vocal and instrumental music the performance was such as to draw from listeners expressions of admiration. All of which shows that the teachers of this class have not been wanting in fidelity to their trust.

On the whole, the examination was throughout, sustained by the pupils in such a manner as to reflect great credit upon all those concerned in the management of the institution, and elicited high encomiums from those present.

In relation to the terms of admission, your committee are unanimously of the opinion that it should remain as it is now, free and open to all alike from our own State.

In the season for laboring on the farm or in the garden, all of the male pupils are required to labor a certain portion of each of the six working days in the week; if some of them were required to pay (whose parents were thought to be able,) for admission, it would create with those a feeling of aristocracy which would be quite out of place in this miniature world, and if they did not think that capital should own its labor, they would think it should free its possessor from the performance of it in the field and workshop. But there is a more forcible and serious objection than this to the change proposed. Parents do not always feel the full force of their objections to the unfortunate children of this class, and many of them are so situated

that if they were required to pay a sum sufficient to defray the expenses of their board even, they would not think they could send them there, and the object which the friends of the institution have in view, would by that means in a great measure be defeated, as its members would be diminished by the withdrawal of the very class of pupils, which it is desirable should receive the benefit of an education here; and in viewing their condition, we must not forget that they were once in darkness, and in that respect the representatives of many others in our State, who need the care and mental and moral instruction and training which this institution, conducted upon this basis, can alone give them.

This unfortunate class of our children are shut out by nature from the advantages which our more fortunate ones enjoy in the provision made for their instruction in our common schools.

This provision, made for our healthy and normal children is munificent, amounting almost entirely to a system of free schools; this is as it should be.

But shall we be less mindful of the condition and education of our abnormal and defective ones? The people of Michigan, true to their humanity, have decided otherwise, and have instituted a plan for the education and enlightenment of these children, commensurate with their necessities. The buildings necessary for their accommodation have advanced under the supervision of the present efficient board of trustees and building commissioner to its present condition, as shown by their report.

The question now presented to this committee is, shall we go on in this good work and complete the structure already begun and so far advanced that an appropriation clearly within the ability of the State to raise, without being in any degree burdensome, will complete and render available the amount already expended in behalf of these children? Your committee are of opinion that the only true way to solve this question, and the only way which will be satisfactory to the people, is to recommend to your honorable body to make such an appropriation as

will complete the building as fast as it will be wanted for use, and also defray the current expenses.

We fully concur in the sentiments of the Governor, expressed in his message, recommending that, in view of the present condition of the finances, no new schemes should be encouraged, no considerable additions to the public institutions of the State should be made; and they feel fully assured that in the appropriations herein recommended, they are clearly within the letter and spirit of the recommendation to confine "your appropriations to the actual necessities of the public service."

Our institution is yet in its infancy, with a large proportion of the buildings yet unfinished, and laboring under disadvantages in the want of proper and necessary accommodations for cooking, washing, bathing, eating and sleeping, hospital and chapel rooms, workshop and study rooms; yet possessing as it does all the elements of usefulness, it needs only the fostering care of the Legislature in perfecting and furnishing the building in all its parts, to develop its full power to accomplish all that its friends could wish and make it an institution of which Michigan may well be proud.

That the taxation necessary to carry out and complete this institution as above recommended, will be cheerfully submitted to by a benevolent people, your committee, from the experience of the past, have not the shadow of a doubt.

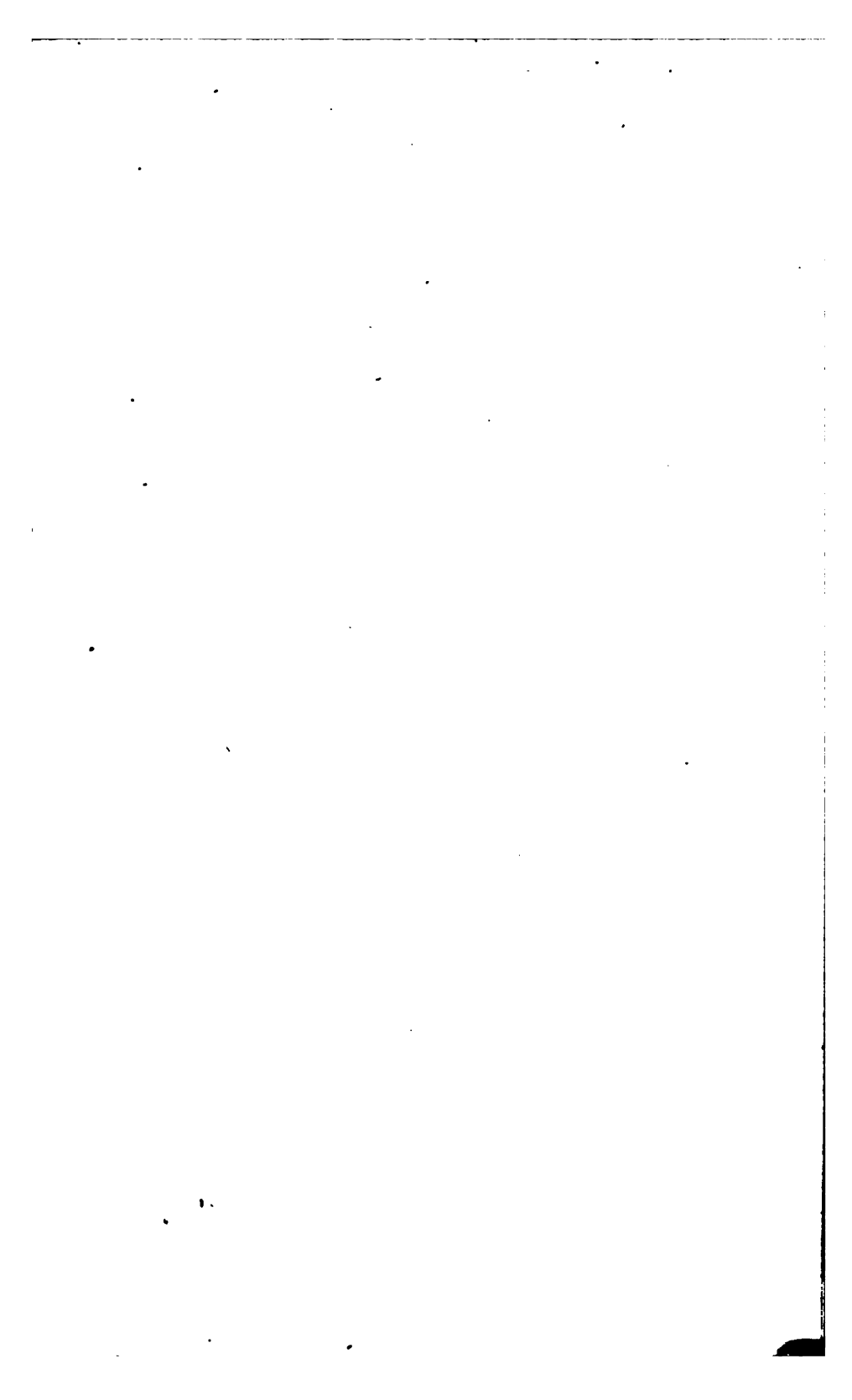
If our citizens have heretofore had occasion to complain of onerous burdens of taxation which have been heaped upon them, they have only to look at the tax list to see that all the taxes levied for State purposes, are but a very small and comparatively insignificant portion of what they are called upon to pay.

Therefore, believing that the necessities of the institution require the appropriation of the sum of ten thousand dollars, for current expenses for 1861, and fifteen thousand dollars for that year to finish off rooms and furnish heat and water, and the sum of ten thousand dollars for current expenses for the year 1862, and the further sum of ten thousand dollars to be expended the same year, in finishing off such portion of the building

as is most needed, and in furnishing the same ; they recommend to your honorable body to appropriate the sums for the years, and to be expended for the purposes above named, as provided for in the bill accompanying the report of the Senate committee.

All of which is respectfully submitted.

HENRY K. FOOTE, *Chairman.*





] No. 15.]

**REPORT of the Committee on Education, relative to providing
for the appointment of County Superintendents of Common
Schools.**

The committee on education, to whom was referred the several petitions asking for a county superintendent of common schools, have had the same under consideration and order me to report thereon.

Numerous petitions from different sections of the State have been referred to this committee, asking for the establishment of the office of county superintendent of schools, and these petitions nearly unanimously ask also that these superintendents shall be appointed by the township inspectors, assembled in convention for that purpose.

It is a settled principle, recognized in every public school system in this country and throughout Europe, that schools require supervision, and that their efficiency and success can only be secured by the visitation and inspection of a competent and authorized superintending officer. Our State has, from the outset, recognized the necessity of an authorized official visita-



] No. 15.]

REPORT of the Committee on Education, relative to providing for the appointment of County Superintendents of Common Schools.

The committee on education, to whom was referred the several petitions asking for a county superintendent of common schools, have had the same under consideration and order me to report thereon.

Numerous petitions from different sections of the State have been referred to this committee, asking for the establishment of the office of county superintendent of schools, and these petitions nearly unanimously ask also that these superintendents shall be appointed by the township inspectors, assembled in convention for that purpose.

It is a settled principle, recognized in every public school system in this country and throughout Europe, that schools require supervision, and that their efficiency and success can only be secured by the visitation and inspection of a competent and authorized superintending officer. Our State has, from the outset, recognized the necessity of an authorized official visita-

numerous county conventions and public meetings, and it has been several times recommended by the State Superintendent of this State, and this recommendation is now repeated by the present Superintendent in his annual report, and endorsed by Governor Blair in his inaugural message.

Believing that the best interests of our schools will be efficiently promoted by the establishment of the office of county superintendent, as asked for in the petitions referred to us, we herewith introduce a bill providing for such an officer in each organized county in this State, entitled

A bill to provide for a county superintendent of schools, and to amend and repeal certain sections of the primary school laws.

The bill provides for the election of but one school inspector, and that annually, who, with the town clerk, shall form a board capable of transacting all the necessary business now transacted by the present board. As the duty of inspecting teachers and visiting schools is assigned to the county superintendent, the amount heretofore paid for such services to the township inspectors, in many instances entirely worthless, will be saved, and will go very far towards defraying the expenses of the county superintendency. From the report of the State Superintendent for the present year, it will be seen that the average expense of township inspectors does not vary far from \$19 00 per township, which, in a county of sixteen townships, would be a sum of \$304 00, of which there would be at least \$290 00 applicable to the expense of county superintendency; the \$14 00 remaining, being amply sufficient to pay for all the duties necessarily performed by the township inspector. In some of the counties the amount saved would be much larger, while in a few it would be less; but the average will be seen to be at least as high as above stated.

If to this amount of nearly \$300, should we add from the primary school fund, a sum equal only to one dollar per district in each county, a sum so insignificant to each as to be hardly

noticed, we will, in most counties, have a sum sufficient to pay a fair salary to the county superintendent.

In the largest and more populous counties, it might be fully sufficient, and in none would the amount to be made up out of the county treasury be so large as to be considered at all burthensome; while the great benefits to be derived from the services of an efficient superintendent, will repay the expenditure of a much larger sum than will be likely to be required in any case.

All of which is respectfully submitted.

B. L. HILL, *Chairman.*





[No. 16.] .

MAJORITY REPORT of the Committee on Judiciary, relative to the repeal of certain Sections of the "Personal Liberty Laws."

The majority of the committee on the judiciary, to whom was referred

A bill to repeal sections two, three and four, of an act entitled "an act to protect the rights and liberties of the inhabitants of this State," approved February 13, 1855,

Have had the same under consideration, and have endeavored carefully to consider all the reasons which may be offered for and against the bill. In view of the importance which this subject has assumed in the public mind, and of the fact that those who have thought it worth their while to argue the legal questions involved, have, for the most part, seemed to lose sight of certain considerations and legal rules, which are believed to fully sustain the law, as a constitutional enactment, it has been deemed proper to set forth, somewhat at length, the reasons which have influenced a majority of the committee.

The sections which it is proposed to repeal, contain the following provisions:

1st That all inhabitants of this State, arrested and claimed as fugitive slaves, shall be entitled to all the benefits of the writ of *habeas corpus*, and of trial by jury.

2d. That if the writ be sued out in vacation, and the alleged fugitive be not discharged, he shall be entitled to an appeal to the circuit court for the county, on furnishing reasonable bail.

3d. That on the trial of the issue before the officer, or the court, either party may demand and have a trial by jury, of the questions of fact.

4th. That in case of costs being charged against the alleged fugitive, the State shall pay them.

The latter provision is one to which the claimants of fugitive slaves are not likely to object, it being for their benefit. It is, perhaps, more liberal than the circumstances of the case demand, or than is required for a faithful compliance with the clause of the Constitution relating to the rendition of persons escaping from service or labor, but it is believed to be better to retain it, at least for the present, than to render the State liable by its repeal, to the charge, however unjust, of "unfriendly legislation."

The important inquiry, as to the object and purpose of the law of 1855, (including the sections proposed to be repealed,) must be answered by a consideration of the statute itself, of other enactments and judicial decisions, and also of certain rights guaranteed by the federal constitution. It must be construed for the purposes intended, in accordance with such rules of construction as are adopted in the courts of law, and by such rules the question of its validity must be determined.

The title of the act indicates in so many words a purpose "to protect the rights and liberties of the inhabitants of this State;" and the title of an act, as well as its preamble, may be used to explain its meaning or object, whenever necessary. The Constitution of Michigan (Sec. 20, Art. 4,) provides that "No law shall embrace more than one object, which shall be expressed in its title." This clause, it is submitted, renders imperative upon courts the rule to construe the act first and only for the

purposes indicated in its title. This act, therefore, only relates to the protection of those dwelling permanently in the State, for such is the meaning of the word "inhabitant," used both in the title and the act itself. It must also have a construction limited to the protection of the *legal* rights and liberties of the class of persons mentioned. Sections 6 and 7 of the act prescribing penalties for violation of the rights of free men, afford also a strong implication as to the general object of the law. While the fact undoubtedly is, that the law was enacted principally on account of the obligation of the State to protect free blacks and persons of color residing in it, from being carried into slavery by any summary process, it may also be said to be strictly within the rule indicated by Justice Wayne in the case of *Prigg vs. Pennsylvania*, 16 Peter's Reports, 650, "that legislation may be confined to that end and made effectual without making such a remedy applicable [for the rendition of] fugitive slaves." It may, perhaps, be granted that in the practical operation of this act, those who are fugitive slaves may be sometimes brought before the courts, but that is the incidental effect and not the intention of the law, if it may be construed in accordance with its title, our State Constitution, and the decisions of the Supreme Court of the United States, applicable to the subject.

The case of *Priggs vs. Pennsylvania*, decided by the Supreme Court of the United States in January, 1842, has been often cited to show the unconstitutionality of these three sections of our law of 1855. Inasmuch as the volume containing it is not ordinarily accessible, it may be well to give a brief history of the case, of the question before the court, and of the decision made, with a glance at the opinions expressed which were in no sense important to the judgment rendered.

Edward Prigg was indicted in York county, Pennsylvania, "for having, with force and violence, taken and carried away from that county, to the State of Maryland, a certain negro woman, named Margaret Morgan, with a design and intention of selling and disposing of, and keeping her as a slave or ser-

vant for life, contrary to a statute of Pannsylvania, passed on the 26th of March, 1826," and convicted on a special verdict by the court of Oyer and Terminer. On a writ of error to the Supreme Court of Pennsylvania, the judgment was affirmed, and the case was then brought on a second writ of error to the Supreme Court of the United States. The Pennsylvania act of 1826, entitled "an act to give effect to the provisions of the Constitution of the United States, relative to fugitives from labor, for the protection of free people of color, and to prevent kidnapping," is set forth in the special verdict, and provides penalties for any person taking and carrying away from any part of that State, to another State, any negro or mulatto, with the intent that such negro or mulatto shall be kept or sold as a slave or servant for life, and also a mode for the rendition of fugitive slaves somewhat similar to the federal law of 1793, and well calculated to be effective for that purpose. The special verdict also finds that Margaret Morgan was the slave for life of Margaret Ashmore, who resided in the State of Maryland, and that the defendant Prigg was dully appointed the agent or attorney of the owner of the slave, and in that capacity took the negro woman without any process of law authorizing him so to do, from the county of York to the State of Maryland, and delivered her to her mistress. The law of Pennsylvania evidently contemplated that all persons should be subject to the penalties for kidnapping, who did not at first procure an order for the return of the fugitive in accordance with the law for that purpose.

Upon this state of facts, the court reversed the judgment of guilty expressly upon the ground, that "in virtue of the Constitution the owner of a slave is clothed with the authority, by himself or agent, in every State of the Union, to seize and recapture his slave whenever he can do it without breach of the peace, or illegal violence." It was only necessary to the decision made, that the Pennsylvania statute should be declared void, in so far as it provided for the punishment of those who, as owners or agents, took and carried away slaves from that

Commonwealth to another, without the warrant of a proper magistrate. 'In so far as the court went in deciding that the clause of the Constitution, relating to the rendition of persons held to service or labor, gave to the masters of escaping slaves, the right of recapture in all the States, and thus might "properly be said to execute itself," the decision is evidence of law, and is to be received as such in all courts and places, equally with other authoritative rulings of the highest judicial tribunals. But, in so far as the court assumed to deliver opinions unnecessary to determine the question of the guilt or innocence of Edward Prigg, the conclusions of the court are of no binding force upon that or other courts. Yet, inasmuch as the States of Maryland and Pennsylvania, had specially authorized their ablest counsel to appear at the bar of the court, and inasmuch as other questions were, apparently by consent, argued before the judges, it is conceded that the opinions placed on record have more than usual weight, and are entitled to be respectfully considered. The *obiter dicta* of this case are more to be regarded than those of many others, aptly characterized, in some instances, as the "idle gabble of a judge."

Incidentally a majority of the Judges declared that the power to legislate for the rendition of fugitive slaves, belongs exclusively to Congress, and hence, that all State laws enacted for that purpose were absolutely void and of no effect. From this opinion three of the Judges dissented, and the very able opinions of Chief Justice Taney and Justice Thompson are sufficient to raise some doubt as to the ultimate decision of the question. It was also declared by a majority of the Judges, in substance, that the fugitive slave law of 1793 was only constitutional in so far as it authorized proceedings before a Circuit or District Judge of the United States, and that the magistrates of counties, cities and townships, had no authority to carry it into effect, although required to do so by the terms of the old statute. In accordance with these opinions, the non-slaveholding States generally repealed their laws for the rendition of fugitive slaves, and such as had not previously done so, with.

drew, by repealing their laws, the consent which had been supposed previously to give validity to the delegation of power to local magistrates by the act of 1793. The event proving somewhat disastrous to the "peculiar institution," led to the enactment of the supplementary fugitive slave law of 1850, by which it was attempted to give to commissioners the power previously and still possessed by the Federal Judges, and to deny the writ of *habeas corpus* in certain cases where a fugitive had been arrested.

Although a majority of the court pretty emphatically say that the fugitive slave clause of the Constitution "manifestly contemplates the existence of a positive unqualified right on the part of the owner of the slave which no State law or regulation can in any way qualify, regulate, control or restrain," it is to be remarked that the general police power of the State is conceded, and that they "possess full jurisdiction to arrest and restrain runaway slaves and remove them from their borders, and otherwise secure themselves against their depredations and evil example," and that the States may punish them for crime like other subjects, and although it appears evident that such measures might sometimes facilitate and sometimes delay or wholly prevent the return of a fugitive, the court says "the rights of the owners of fugitive slaves are in no just sense interfered with or regulated by such a course." The court distinctly enough declares that any law designed to regulate or interfere with the rendition of fugitive slaves would be unconstitutional, but would allow the exercise of proper State authority to protect its inhabitants, although the incidental but undesigned effects might be to hinder or delay the owner of this kind of property. It is also to be remarked, that in none of the lengthy opinions is there any intimation that the writ of *habeas corpus* shall be denied to the fugitive, or that Congress has any power to deny it to him.

The constitution of the United States, (sec. 9, art. 1,) recognizes a subsisting right, in these words:

"The privilege of the writ of *habeas corpus* shall not be sus-

pended, unless when in cases of rebellion or invasion the public safety may require it."

This language can hardly be misunderstood, and certainly will not allow the free men of Michigan to be denied this privilege, held in so great estimation from the day when *magna charta* was wrested from King John. It is believed by a majority of the committee, that the fugitive slave law of 1850 is unconstitutional and void, in so far as it attempts to deny the writ of habeas corpus.

Another clause of the federal constitution, (sec 1, art. 3,) seems to be equally incapable of misconstruction:

"The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office."

The majority of the committee believe that however inhuman and summary the proceeding may be made; however much ordinary rules of evidence may be overturned in the mode of trial; still that the act by which the United States commissioner determines that the fugitive slave shall be given up to a claimant, is and must be in its character judicial, and hence, to be lawful, must be exercised either by the Supreme Court or by inferior courts established by Congress. Any such courts are to be presided over by judges holding office during good behavior, and receiving salaries not to be diminished during their continuance in office. The adjudication of the commissioner is pretty certainly not the judgment of the circuit or district court, for there are courts of record having their own judges; nor can the act of 1850 be held to constitute new courts to be holden by the commissioners or to make them judges; for neither in their modes of appointment, in the tenures of their offices, or in the compensation they receive, do they correspond to the constitutional requirements of judges of in-

ferior courts. If the majority of the committee are right in the conclusion to which they have arrived, the attempted delegation of power by Congress to commissioners is utterly void, and the district judge is the only officer, resident in this State, authorized to issue valid process for the seizure, or adjudicate the return of a fugitive slave. Practically, the slave owner is thus left almost entirely to depend upon his right to seize and recapture, affirmed by the court in the case of *Prigg vs. Pennsylvania*. The temptation is much greater than if regular tribunals were established at all the principal towns, to seize either directly or through the illegal instrumentality of commissioners, and carry into slavery those who are really free.

The act of 1855 was passed a few months after the repeal of the Missouri Compromise, by a majority then first coming to political power; it was evidently drafted by some one unaccustomed to the work which he undertook, but at the same time it bears evidence, in the opinion of the undersigned, of a desire to keep strictly within the requirements of the federal constitution, as expounded by the federal courts.

It does not provide, as it might lawfully have done, a long and difficult mode of trial to protect the liberties of its inhabitants, but on the contrary, adopts the simplest and most summary process known to the common law, to have their rights adjudicated. It does not strip this writ of the difficulties attending its procurement in ordinary cases, but leaves statutes operative, in all other cases of the illegal detention of individuals, to operate in this. A large part of chapter 134, of the revised statutes of 1846, (com. laws, pp. 1371 to 1389,) relate to the writ of *habeas corpus*. It is to be granted on petition, and that petition must state in substance:

- 1 That the person for whom the writ is sought, is illegally imprisoned or restrained by some other person.

2. That such person is not detained by virtue of any process, judgment, decree, or execution of the courts of the United States or of this State.

3. The cause of the confinement or restraint, according to the best knowledge or belief of the petitioner.

4. If the confinement be by virtue of any warrant, order or process, a copy thereof must be annexed, unless a copy was refused, or a demand could not be made.

5. If the imprisonment be alleged to be illegal, it must be shown in what the illegality consists.

6. It must specify the writ demanded.

7. It must be verified by the oath of the petitioner.

These various requirements can ordinarily be easily complied with, in behalf of a person entitled to freedom, but not so readily in behalf of one who is legally detained in the custody of another. A petitioner whose main allegation is false, is not permitted merely to swear to a legal conclusion, but must run such a gauntlet of specifications, as is likely to involve him in perjury. Under this writ, the judge cannot inquire into the justice or legality of any process issued by any court of the United States, or any judge thereof, or as to the justice or legality of any legal process, civil or criminal, upon which any person is convicted, or in execution. Yet it was competent for the Legislature, in its discretion, to have lessened the requirements preliminary to the issue of this writ, and the power to grant it, and to make adjudications upon its return might have been conferred upon every justice of the peace in the State, instead of remaining limited to a few judges and circuit court commissioners. The practical result has been, that while for nearly six years no claimant of fugitive slaves has been at all delayed or hindered by this act; on the other hand, no free person has been kidnapped as a slave within the State of Michigan, although this is not a very unfrequent occurrence in some of the States which have no such statutes. Does it not, as we examine it, become abundantly evident, that this statute was passed for the purpose indicated by its title, and not for the purpose of regulating the rendition of fugitive slaves? Can it, "in any just sense," be properly said to interfere with, hinder or delay, the right of the slaveholder?

It is provided, in section 3, that either party may demand and have a trial by jury of the questions of fact arising in the case, but this circumstance does not change the summary character of the proceeding. If the person to whom the writ is addressed can show that he holds his prisoner upon any valid process or order, no question of fact will arise in the case, but the person detained will be remanded upon determination of the question of law. If questions of facts are contained in the issue formed by the petition, the return to the writ, and the denials under oath which may be made by way of reply, either party may demand a jury; and inasmuch as the proceeding is a summary one, the jury provided for will have to be summoned from among the by-standers, or neighboring citizens who are legal jurors, and on the trial none but questions of fact are left to their determination. It is to be noted that while in all criminal trials, and in all civil cases determined before justices of the peace, the jury may judge of and decide all questions of law, as well as of fact, involved in their verdict, there is here no such extension of the power of a jury. All questions of law are to be determined by a responsible public officer, required to possess legal qualifications, and trusted by the people to administer the law without fear or favor.

An appeal is also authorized by the person detained, to the circuit court of the county in case he shall be remanded by the judge or commissioner, at a hearing in vacation, upon his giving satisfactory bail. It has been asked why an appeal is not allowed to the claimant? The opinions pronounced in the case of *Prigg vs. Pennsylvania*, perhaps give a sufficient answer. The prosecution of such an appeal by the owner of a slave in order to procure his rendition as a fugitive, would be for the same purpose as he would have if he proceeded under the acts of Congress, and the court has declared such proceedings under State laws to be void. The character and purpose of the proceeding will have been wholly changed from what this act contemplates, if an appeal by the master of the slave be allowed. He will not be a loser, however, by this denial of an appeal, for the tribu-

nals opened to him by the fugitive slave laws cannot be closed against him by State legislation. The appeal allowed to the defendant is more fully to assure his liberty, if free, and can in "no just sense" be said to hinder or delay the owner of a slave inasmuch as he may still, pending such appeal, resort at will to the ordinary means of obtaining the rendition of such property. He is moreover temporarily secure against the escape of his chattle by the bail given, and if he succeeds at the hearing, the State pays the cost. In the view of the matter taken by the majority of the committee, the only question of constitutional authority arising upon this statute, is as to the legal right of a State court or judge, to issue or allow the writ of *habeas corpus*, the trial of questions of fact by a jury and the appeal authorized, being only incidents, carefully guarded, of such alleged legal right. It is an extraordinary feature of our jurisprudence, that while for the trial of a cause involving but six cents, a jury and an appeal are allowed, yet that no provision has been made in cases involving the liberty of a citizen, or the possession of a child, for either except by this law of 1855. An independent State must surely have the power so to provide in any or in all cases, and that it has been done by this law, can constitute no legal objection to it. It is believed that instead of the supposed lurking intent to convert the hearing on the writ into a proceeding to regulate the rendition of persons escaped from service or labor, being found in this law, we can only, in fact and in law, find a summary proceeding, strictly limited to the object declared in the title of the act.

The Pennsylvania statute of 1826, before considered, and the New York statute of 1830, which provided for the arrest of fugitive slaves in a manner in some respects different from the law of Congress, and for a suit similar to a replevin suit by the negro for his freedom, suspending during its pendency all proceedings for his capture or removal, even after a finding that he was a slave, and the granting of a certificate for his rendition under the act of Congress of 1793, have been declared unconstitutional and void. They were so declared before 1855, and

our predecessors appear to have taken care to avoid even a seeming conflict with the judicial and extra judicial opinions declared in making these decisions. Our law, instead of being in conflict with these decisions, as has been often asserted, appears to be in entire conformity to them. It ought, if for no other reason, in the opinion of the majority of the committee, to remain upon the statute book as a monument of the wise moderation of the legislature of 1855.

The clause of the federal constitution affirming the right to the writ of *habeas corpus* has been already cited, and the construction given to this clause by the statute in question, appears to be not very different from that given in the year 1858, by the Supreme Court of the United States, in the case of *Ableman vs. Booth*, reported in 21 Howard's Reports, p. 506. In deciding that case, the court say, among other things :

"We do not question the authority of a State court or judge, who is authorized by the law of the State to issue the writ of *habeas corpus*, to issue it in any case where the party is imprisoned within its territorial limits, provided it does not appear, when the application is made, that the person imprisoned is in custody under the authority of the United States. The court or judge has a right to inquire, in this mode of proceeding, for what cause and by what authority the prisoner is confined within the territorial limits of the State sovereignty. And it is the duty of the marshal, or other person having the custody of the prisoner, to make known to the judge or court, by a proper return, the authority by which he holds him in custody. This right to inquire by process of *habeas corpus*, and the duty of officers to make a return, grows necessarily out of the complex character of our government, and the existence of two distinct and separate sovereignties within the same territorial space, each of them restricted in its powers, and each, within its sphere of action, prescribed by the constitution of the United States, independent of the other."

It has been already shown that by necessary construction of

the act of 1855, with the law regulating the writ of *habeas corpus*, the writ allowed by the former, would be unauthorized in any case where it should appear that the prisoner was held upon valid process, and conceding, as the majority of the committee do, that under the decision in *Prigg vs. Pennsylvania*, the owner of a fugitive slave has the right to re-capture him without process in a free State, it follows that in case it appears from the petition for the writ, that the prisoner is claimed as a fugitive slave, it must also appear by a statement on oath, that he is not a fugitive slave or else that the claimant has no right to hold him, before the writ can issue. The necessary construction is, that all free persons not legally arrested, and claimed as fugitive slaves, shall be entitled to the benefits of the writ.

But it is urged that the sections proposed to be repealed may be understood in a broad sense, bringing them in conflict with adjudications of the courts, and the constitutional enactments of the general government. It is not believed that they will bear such a construction, for reasons already shown; but, admitting for the sake of the argument, that they will, what is the necessary legal effect? It is surely this: that they must be construed with reference to the superior law, and be held valid in so far as they do not conflict. If any given statute forbids, by its general language, an hundred different things, and it be discovered that one of the hundred is allowed by the superior law of the Constitution, does it follow that the forbidding of the ninety and nine is "unconstitutional?"

A case determined by the supreme court of Michigan will illustrate this rule. We have a statute in which it is provided, (sec 3191 of compiled laws,) in substance, that every chattel mortgage not accompanied by delivery, and actual and continued possession of the goods mortgaged, shall be absolutely void, as against creditors and subsequent purchasers and mortgages in good faith, unless it, or a copy, shall be filed in the office of the township or city clerk. Congress has power under the Constitution "to regulate commerce," and exercising that

power in the year 1850, enacted, that "no mortgage of any vessel of the United States, shall be valid against any person other than the mortgagor, his heirs, and devisees, and persons having actual notice thereof, unless such mortgage be recorded in the office of the collector of customs, where such vessel is registered or enrolled." A case arose where a schooner enrolled at the port of Detroit, mortgaged to secure a sum of money, and the mortgage duly recorded in the custom-house, but not filed in the city clerk's office, was levied upon and seized in execution at the instance of a judgment creditor, by the United States deputy marshal, whereupon the mortgagor, after demand and refusal, replevied the vessel in the Wayne circuit court, and upon reserved questions submitted to the supreme court, it was decided "that the act of Congress in reference to the recording of mortgages upon enrolled and licensed vessels, supercedes so much of the State statute, as refers to the recording of similar mortgages in the township or city clerk's office." *Robinson vs. Rice & Moore*, 3, Gibbs R., 255. This decision was upon the ground that Congress had exclusive jurisdiction over the matter regulated by the laws of 1850, and hence, that State legislation could impose no additional requirement to the validity of the chattel mortgage. Yet, in a general sense, our statute is a constitutional enactment; its repeal is not agitated, and by reason of the application to it of the rules of legal construction, there is no necessity for amendment. It is already as though it read: "Every mortgage of goods and chattels, *except mortgages of enrolled or licensed vessels of the United States*, shall be absolutely void," &c. So of the statute now in question. It was, the day it was approved, by necessary legal construction, as though it read: "All persons arrested and claimed as fugitive slaves, *in whose behalf can and shall be made the petition specified in sec. 11, of chapter 134, of the revised statutes of 1846*, shall be entitled to all the benefits of the writ of *habeas corpus*," &c. Even were it established (as it is not) that at some point this act comes in direct conflict with the superior law of Congress, yet it would not, thereby be determined to be un-

constitutional in a general sense, so long as there were cases to which it might be legally applied. In this view—the single consideration that there are several thousand free colored people within the State, entitled to protection from our laws, and each of them liable to be legally seized and carried into hopeless slavery, seems sufficient to justify at once the constitutionality, and the propriety of this enactment.

The policy of this law needs no labored defence. The consideration just stated, the alarm which would seize upon the negro population were the law now repealed, the scandal and shame which is to be brought upon Michigan, if under the influence of threats, her Representatives abandon what is demonstrably her right, are sufficient in the opinion of a majority of the committee to justify their recommendation that the bill do not pass.

All of which is respectfully submitted.

EUGENE PRINGLE,
W. T. HOWELL,
GILBERT E. PRATT.



[No. 17.]

MINORITY REPORT of the Committee on Judiciary, relative to the repeal of certain sections of the "Personal Liberty Laws."

The minority of the committee on the judiciary, to whom was referred several petitions for the repeal of the personal liberty laws, so called ;

Also,

A bill to repeal sections 2, 3 and 4, of an act entitled an act to protect the rights and liberties of the inhabitants of this State, approved February 18, 1855 ;

Also,

A bill to amend section 25, of chapter 150, of the revised statutes of 1846, the same being section 5735 of the compiled laws, as amended by act No. 189, of the session laws of 1859,

Respectfully report that they have been disposed to give the subject referred to them that serious consideration which belongs to it, under the circumstances in which it is now presented ; and while the undersigned regret that the repeal or non-repeal of these laws has been, as we believe, most unwarrantably sought by some to be made a question of party, we

shall not be deterred by any such considerations, from meeting the question upon its merits.

If these laws are to be repealed, it must be either because they contravene some provision of the Constitution of the United States or of this State, or because they are inexpedient and unwise, or wrong in their spirit and tendency.

On page 413, of the laws of 1855, act No. 162, we find "an act to protect the rights and liberties of the inhabitants of this State," the first section of which makes it the duty of the prosecuting attorney of each county, when any inhabitant of this State is arrested or claimed as a fugitive slave, on being informed thereof, diligently and faithfully to use all *lawful* means to protect and defend such person.

To this provision in itself considered we do not see that any constitutional or other objection can be fairly made. It is no more than a humane provision to protect the rights of those who may be unlawfully arrested.

The next three sections provide that all persons so arrested and claimed as fugitive slaves shall be entitled to the benefits of the writ of *habeas corpus* and of trial by jury, and that if the writ of *habeas corpus* be sued out in vacation; if upon the hearing, the person *imprisoned, arrested or claimed* as a fugitive slave shall not be discharged, he shall be entitled to an appeal to the circuit court of the county, in which such hearing shall have been had, on furnishing bail, &c. And that the Court to which such appeal shall be taken, or to which such writ of *habeas corpus* is returnable, shall, on application of either party to the proceeding, direct a trial by jury on all questions of fact in issue in such proceedings.

In the third sub-division of section 2, of article 4, of the Constitution of the United States, it is provided: "That no person held to service or labor in one State under the laws thereof, escaping into another shall in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due."

This provision of the Constitution Congress intended to carry out, first by the act of February 12, 1793, chap. 51-7, which provides a mode of making the claim and proof that labor or service is due, a tribunal before which the claim and proof is to be made, the provisions of which are sufficiently familiar to make its citation unnecessary; and still further by the Fugitive Slave Law of 1850.

This Constitution was adopted but twelve years after the Declaration of Independence, and at a time when slavery existed to a greater or less extent, in all the States of the Confederacy. But then many of them were taking steps for its gradual abolition, to which, as a desired consummation, those Patriots and true statesmen of the time, George Washington, James Madison and Thomas Jefferson, looked with an earnest desire to see accomplished, as soon as it could safely be done. In many of the States, however, this could not then be accomplished. By the Law of Nations and by the common law, the state of slavery is considered as a mere municipal regulation, limited to the range of the jurisdiction where it exists. And no State was bound to recognize the condition of slavery as to foreign slaves found within its territorial limits.

The clause of the Constitution above recited became therefore a necessary condition precedent to the adherence of those States to the Union which did not contemplate, from any cause, the speedy abolition of slavery.

Now, if this clause, or the laws passed by Congress to carry it into effect, and in pursuance of it, could be rendered ineffectual, or hindered by State legislation, then, so far forth, the Constitution would be nullified. In the language of Mr. Justice Story, in the case of *Prigg vs. Pennsylvania*, 16 Peter's Reports; page 612, decided in 1842:

"The clause manifestly contemplates the existence of a positive, unqualified right on the part of the owner of the slave, which no State law can in any way *qualify, regulate, control or restrain*. The slave is not to be discharged from service or labor in consequence of any State law or regulation; now cer-

tainly, without indulging in any nicety of criticism upon words, it may fairly and reasonably be said, that any State law, or State regulation," (we are still quoting Judge Story's words,) "which interrupts, limits, delays or postpones the right of the owner to the immediate possession of the slave, and the immediate command of his service and labor, operates *pro tanto* as a discharge of the slave therefrom."

Congress having undertaken to provide for carrying out this provision of the Constitution, and its action being in conformity with the provisions of the Constitution, as has been repeatedly decided in the State courts of Massachusetts, New York and Pennsylvania, and in every court of the United States, where it has been called in question, it becomes a question, how far the States can properly legislate upon the same subjects.

It may be conceded that in some subjects Congress has concurrent power of legislation with the States. But on this subject of the recapture of fugitive slaves, it would seem to be a necessity that Congress should possess sole jurisdiction over the subject. First, because the power exists only by virtue of the Constitution of the United States, and is there for the first time recognized; and is there recognized as an absolute right and duty throughout the entire Union. As Mr. Justice Story remarks in the case before referred to—"It is in a just sense a new and positive right, independent of comity, confined to no territorial limits, and bounded by no State institutions or policy." And again. "It would be a strange anomaly and forced construction to suppose that the national government meant to rely for the due fulfillment of its own proper duties and the rights which it intended to secure upon State legislation, and not upon that of the Union. *A fortiori*, it would be more objectionable to suppose that a power which was to be the same throughout the Union, should be confided to State Sovereignty, which could not rightfully act beyond its own territorial limits." Secondly. The nature of the power and the objects sought to be attained render it necessary that it should be exercised and controlled by the same will, and that uniform regulations should

exist over the entire Union. If the States have the right of legislation on this subject, each State will adopt its own policy, publish its own rules and forms according to the feelings and perhaps prejudices of its people. And the laws of one State may be in direct conflict with, and wholly inconsistent with those of another. "Whenever," says Chief Justice Marshall, in the case of *Sturgis vs. Crowningshield*, 4th Wheaton's Reports, 122, "the terms in which a power is granted to Congress, or the nature of the power requires that it should be exercised exclusively by Congress, the subject is as completely taken from State Legislatures, as if they had been forbidden to act."

The supreme court of the United States, therefore, in the case of *Prigg vs. Pennsylvania*, in 1842, the opinion of the court being rendered by Justice Story, of Massachusetts, and concurred in, as to its main conclusions, by Judges Thompson and Baldwin, all three of whom are gone beyond the conflicts of the present day, and by Chief Justice Taney and Mr. Justice McLean and Mr. Justice Daniels, decided on these grounds that the act of Pennsylvania of 1826, entitled "an act to give effect to the provisions of the Constitution of the United States, relative to fugitives from labor, for the protection of free people of color, and to prevent kidnapping," under which Prigg was arrested and indicted for reclaiming and carrying into Maryland a fugitive slave, under the provisions of the Constitution and act of Congress, without conforming to the provisions of the State law, was unconstitutional and void.

The majority of the court holding that the power of legislation in relation to fugitives from labor is *exclusive* in the National Congress, and that no State can pass any law upon the subject.

In this, Justices Story and McLean agree; while Chief Justice Taney and Justice Thompson hold that the States might enact laws on this subject, *which did not impair* the right of recapture, but none which *impeded* or *hindered* it. But *all agreeing* that the points decided do not interfere with the police power of the States to arrest and imprison fugitives from labor, to guard against their depredations or misconduct, or to pun-

ish them for crimes committed in the States where found. All the Judges concurred that the constitutional provision on this subject was a fair compromise. The Southern States agreeing on their part that the importation of slaves into the United States should be prohibited after 1808. We may remark, in passing, in view of this last consideration, that it behooves the free States to be cautious about infringing upon their part of the bargain.

The Supreme Court of the State of New York announced the same doctrine unanimously in 1834, in the case of *Jack vs. Martin*, 12th Wendell's Reports, 312, in which the constitutionality of the law of that State providing for the writ of *de homine replegiando*, or writ for replevying a man, as against the agent or person claiming a fugitive slave, came directly in question. That court declared that the law of the United States, enacted to carry out the constitutional provisions, the Constitution being conceded to be supreme, "must be paramount from necessity, to avoid the confusion of adverse and conflicting legislation;" that, "so far as the States are concerned, the power, when thus exercised, is then exhausted; and though they might have desired different legislation on the subject, they cannot amend, qualify, or in any manner alter it." That "this principle is undoubtedly essential to the peace and harmony of the two governments."

Our own Supreme Court, six years since, unanimously decided the same doctrine, except that in that case the power of legislation was concurrent and not exclusive, being not in a slave case, but no less conclusive for that reason on principle. The act of Congress of 1850 provides that mortgages on enrolled and licensed vessels shall be recorded in the office of the Collector of Customs for the proper district. The State law of 1846, provides that all chattel mortgages shall be recorded in the office of the town clerk. The act of Congress is authorized, as all agree, under the clause in the Constitution, providing that Congress may regulate commerce. The court agreed that

the State law, so far as it was inconsistent with the act of Congress, must yield.

The same principles are also abundantly decided in various cases, arising upon statutes on various subjects in the State and United States courts.

But it would seem that the plain language of the Constitutional provision in question, "that no person held to labor in one State under the laws thereof, escaping into another, shall in consequence of *any law or regulation therein*, be discharged from such service or labor," can hardly be mistaken by a candid mind.

Now those sections of the statute of Michigan of 1855, proposed, by the bill referred to the committee, to be repealed, provide for a different mode of trial from either of the acts of Congress framed in accordance with this Constitutional provision, and provide, as did the laws of Pennsylvania and New York, in the cases above referred to, for transferring the case from the authorities provided by the act of Congress, to a tribunal of its own.

Now if a fugitive be discharged, under the *habeas corpus*, or on a jury trial, who had been taken, under the act of Congress, is he not discharged from service or labor in consequence of the law of this State into which he has fled? We think it clear that he is.

The undersigned cannot, therefore, resist the conclusion that those sections of the act last referred to are unconstitutional, and should for that reason, if no other, be repealed.

But it has lately been claimed that this law was not enacted for the purpose of preventing or hindering the arrest of fugitive slaves. What else could have been its object, judging from its provisions, its language and the circumstances? For any other purposes of personal liberty, and the prevention of kidnapping of our own citizens, ample provisions were already in the statute book; the known and inevitable operation of the act, if carried out, must be to prevent the rendition of fugitive slaves, and we can only judge of the intent of an act by its

necessary consequences, unless the lawmakers have otherwise specially declared their intent. But in this instance we are not left wholly in the dark on this point, so far, at least, as the declaration of a committee, of the last Legislature, on federal relations, are concerned when this subject was before them.

They distinctly declare in their report, that "the act of February 13, 1855, was designed, and if faithfully executed will accomplish the object" for which the petitioners pray. In one of the petitions referred to them, which, as the report states, was for the passage of a law "*to prevent the delivering up of fugitive slaves,*" (House Journal of 1859, p. 527,) there was no other reason for the enactment of these sections. It was a fully recognized principle of American as well as English common law, that every slave who sets his foot on our soil becomes thereby free. And it is only by operation of the clause of the Constitution we have recited, and the laws passed in pursuance of it, that a slave can remain such on our soil, and under that provision, only when he is a fugitive and reclaimed according to its provisions.

Such a law, too, being as we have shown wholly unnecessary for any practical purpose, except it be intended to interfere with the remanding of fugitive slaves, was extremely inexpedient and unwise in its origin; but under present circumstances it becomes, in our judgement, obstinate persistence in wrong, to retain it on the statute book. We say persistence in wrong, both because the provisions of the law we have recited are unconstitutional, and because it is wrong to retain an unnecessary law, which is the occasion of ill feeling, discord and strife, both among our own people and between ourselves and sister States of this confederacy. We therefore unhesitatingly recommend that the second, third and fourth sections of the act of 1855 referred to, be repealed.

The amendment made by act 189, of the laws of 1859, to section 25, of chapter 153, of the revised statutes, provides that every person "who shall bring any negro, mulatto, or other person into the State claiming him or her as a slave, shall be pun-

ishable by imprisonment in the State prison not more than ten years, or by fine not exceeding one thousand dollars."

This provision, so far as it provides a punishment for an act which in some cases is lawful according to the clause of the Constitution and acts of Congress we have referred to, cannot be sustained. A fugitive slave from Missouri may be taken in New York or in Ohio, under the act of Congress, and remanded, and the usual and natural route for his return would be through this State. And should the person having him in charge under the certificate granted under the act of Congress be met by a mischief-maker, of whom there are too many, and asked if the negro was a slave, and should reply affirmatively, he would thus be claiming him to be a slave, and according to the plain letter of the law of 1859 above recited, would be rendered liable to its penalties. Such a law, according to the principles before adduced and supported by the cases cited, cannot be constitutional so far forth. But it is said the Courts would not apply the act to such a case; they would hold that such was not the intent of the act. What then was its intent? The common sense and statutory rule of construction of law as laid down in section 3, of chapter 1, of the revised statutes, being section 2, of the compiled laws, in the first sub division of that section is as follows: "All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such as have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning."

Such a rule is necessary for the public safety. The people at large are not lawyers, and naturally expect and believe that laws they are called upon to obey, mean what they express. This rule has never been relaxed by the courts of last resort in cases of conflict between State and United States laws, and in no other case, except occasionally when courts wished to avoid a hard consequence of a general rule, and as they think, in order to attain justice in a particular case, construe a statute to

mean, what it should be made to mean. Again, there was no occasion for such an amendment of the statute for any other purpose. No one could voluntarily bring and *retain* a slave in this State by our law as it previously stood. Why, then, attempt to punish as a crime, merely to claim a negro to be a slave, when it is impossible to make that claim a reality, without incurring the penalty previously created?

It has been said that this amendment was made to avoid the effect of the principles announced by some of the Judges of the Supreme Court of the United States in the Dred Scott case, under which it was feared that slavery could be established in Michigan, and such seems to have been the motive power applied to the committee of this House, who, in 1859, repealed the amendment in question. [See journal 1859, p. 527.] We do not hold ourselves bound, nor does any court, by the atrocious doctrines, so announced by judges, which were wholly outside of the case before them, or upon the point upon which they professedly decided the case. So far as the opinions in that case are beyond the case itself they are mere political documents. We might be disposed to give them the weight of opinions of good lawyers, did they not bear the ear-marks of partizanship. But suppose these opinions to be law; then they are constructions of the constitution and acts of Congress, and so far as the law of 1859 is opposed to them, it is as unconstitutional as it is in the view we have before taken. The laws of the United States must neither be resisted or nullified in this manner by loyal States.

It ill becomes us who make charges of nullification and treason against the seceding States to take such a step; we should clear our own skirts of all suspicion of complicity with nullification in the present crisis, and thus take away every just ground of complaint. If when we have done this our Southern brethren still persist in their mad schemes of rebellion and civil war, we have but to meet the issue like men who dare be free, but until then we cannot do it with clean hands or pure hearts,

neither could we indulge in the hope that the God of battles would smile upon our cause.

And now in concluding this report, for the sake of confirming the views we entertain and of satisfying some who have said that if they could know what were the opinions of the Judges of our Supreme Court on the subject we have discussed they would be satisfied, we will embody some extracts from letters from three of the gentlemen who occupy seats on that bench, written to be sure as private citizens who had a right to have and express their views, and although not of binding force, are certainly evidence of their views as lawyers and entitled to great respect, at the same time remarking that we understand the remaining Judge concurs in the same views.

Chief Justice MARTIN says: "I regard the law of 1855, both *unnecessary*, as the common law affords ample protection to the citizen if illegally arrested, and *unconstitutional* as infringing upon the jurisdiction of Congress, which I hold to be exclusive upon the subject of the arrest and restoration of 'fugitives from labor' so far as it renders penal, without qualification, an act which in many cases is made lawful by the Constitution and laws of the United States, and is certainly contrary to the spirit of the Constitution." And again. "Why should it be made a penal offense to merely claim that which is impossible to make effectual, without incurring a liability already provided for." And again. "The difference between the *nullification* of a law of Congress and secession, is not so very wide that we can with justice condemn the one, if we are ourselves guilty of the other."

Says Judge CAMPBELL, in another letter: "When the Constitution of the United States places any subject under the control of the Legislature or other authority of the Union, it is either removed entirely from the province of State legislation, or, (in cases where concurrent powers may be properly exercised,) exempted from the operation of any unfriendly action. When Congress has once acted upon such a subject, no State can interfere with the Congressional action." Speaking of the case of *Prigg, vs. Pennsylvania* we have cited, Judge Campbell

says: "I think that decision is not only binding, but is right in principle." Again, he says—"Our statutes do not merely legislate upon the same subjects with the acts of Congress, but they are plainly inconsistent with those acts. The Constitution plainly, and the acts of Congress expressly, contemplate that a claim to fugitives shall be disposed of more simply and speedily than suits in the ordinary course of legal proceeding, which may be protracted indefinitely. When a fugitive is arrested under the act of Congress, no State has any right or power to interfere with the proceedings. They are under the control, and therefore under the protection, solely of the United States, nor has any State the right to interpose obstacles in the way of a lawful private arrest, which will vexatiously delay or impede it." Again, in referring to the claim made by some, that these laws may be allowed to stand for proper purposes, and that if evil as to others, there is no need of their repeal, he says that "when a Court declares a thing plainly within the language of a statute, to be exempt from its operation, because if embraced, it would render the law unconstitutional, it is merely a roundabout way of declaring that the law is invalid. The meaning of a statute is not allowed to be gathered from outside sources. Those who enacted it, may have differed very widely in their views of its effect. It is not to be presumed that any honest man would *knowingly* violate his oath; and no explanation or declaration in any form, can alter the meaning which the words fairly express." "Should such legislation be permitted to stand? We think not. When attention has been called to any existing abuse, those who permit it to continue are justly held responsible in the eyes of all men for its further continuance." "To subject the State to the imputation of nullification, is to expose our honor."

Judge CHRISTIANCY, in another letter on this subject, says: "The abstract question whether these laws are unconstitutional is of no practical importance, it is a mere abstraction, for such is the peculiar nature of the case, that the practical effect of either construction is the same, the one holding that it does not

contain a particular provision, the other that it does contain that provision, but that such provision is void, and therefore, in legal effect the same as if it had never been inserted. But while these acts remain upon the statute book unaltered, until decided upon by the court of last resort, they will continue to have all the practical effect of constitutional laws. They are calculated to create doubts and to lead to litigation. Their effect is also the same upon the public mind, both of the North and of the South. For to the popular apprehension, all laws will be understood to operate to their literal extent." And again the same gentleman remarks: "In such a contest as that we are now entering, we should not only *be*, but we should *also appear to be* clearly in the right." Again, in speaking of the act of 1859, he says: "I cannot doubt that truth, justice, and sound policy, equally require that the acts in question, should be so modified as to bring them clearly and expressly within the federal Constitution."

Judge CHRISTIANCY reaches his conclusions by a different road from the other two judges from whose letters we have extracted, but he arrives at the same point,—the repeal and modification of these laws. These letters, of course, are not cited as binding authority, but as confirmation from a high source of the opinions of the minority of your committee.

At this point in their report, the minority of your committee have been favored with having heard read on the floor of this House, the report of their brethren of the majority, and we cannot, in justice to the subject, refrain, even now, from noticing briefly, some points in that document which we consider most unfairly sustained. It is endeavored by the majority to evade the full force of the case of *Prigg vs. Pennsylvania*, by a sweeping assertion that all those portions of the opinions in that case which apply to the matter now in issue were "*obiter dicta*," or "idle gabble of the Judge." Now we assert without fear of successful contradiction, that the whole Court who sat in that case, certainly seven Judges, possibly nine, though if Justices Catron and McKinley were present, they gave but a silent

assent, agreed in the main essential point that all *unfriendly* State legislation on the subject of the restitution or re-capture of fugitive slaves was unconstitutional and void. Judge Taney, it is true, holds that the States may and should pass laws to *aid and assist* in carrying out the act of Congress, and *therefore*, that the power of Congress, is not *exclusive*. But he holds, as do the whole Court, that the States can pass *no* act to *impede* or hinder the execution of the provision of the Constitution, or the laws framed under it. And this may be seen at a glance by referring to the opinion of Mr. Justice Wayne, on page 626 of vol. 16, Peter's Reports, who sums up the views of all his brethren, and concurs wholly with Judge Story.

So also the majority attempt to evade the force of the case of *Jack vs. Martin*, in 12th Wendell's Reports, by saying that the law of New York, in review in that case, provided for a *replevin*, and not a *habeas corpus*. But were it not for the provision of the constitution in question, the *replevin* would be equally as legal as the *habeas corpus*. The opinion of the Court in that case, for the purpose for which we have before referred to it, is too clear and decisive to be avoided in this way. And then the report lapses into a rhapsody over the *moderation* of the legislature of 1855, in not enacting a much more stringent law. From such moderation may Heaven protect us. What kind of moderation it was the committee on federal relations of this House of 1859, seem to have been fully aware. (See Journal, pages 527 and 528.)

The committee of 1859 thought the law of 1855, if faithfully executed, would prevent the delivering up of fugitive slaves. Now under the excitement of the time, perhaps it is not strange that gentlemen of that committee who were not lawyers should sanction such an intent. But shall we "who know the right, the wrong pursue." The majority report also takes the ground that the fugitive slave act of 1850 is unconstitutional, in so far as it denies the writ of *habeas corpus*. But we ask if this were so, does the law of 1793, allow the *habeas corpus*, or do the principles announced by any of the seven judges in *Prigg vs. Pennsylvania*, under that act, or do the majority of the committee now for the first time decide that act to be unconstitutional, and

is not that act still in force. In this connection the majority cite the case of *Ableman vs. Booth*, 21 Howard, page 506, as sustaining their position, and then extract from the opinion of the court the following:

"We do not question the authority of a State court or judge, who is authorized by the laws of the State to issue the writ of *habeas corpus*, to issue it in any case where the party is imprisoned within its territorial limits, provided it does not appear, when the application is made, that the person imprisoned is in custody under the authority of the United States. The court or judge has a right to inquire, in this mode of proceeding, for what cause and by what authority the prisoner is confined within the territorial limits of the State sovereignty. And it is the duty of the marshal, or other person having the custody of the prisoner, to make known to the judge or court, by a proper return, the authority by which he holds him in custody. This right to inquire by process of *habeas corpus*, and the duty of officers to make a return, grows necessarily out of the complex character of our government, and the existence of two distinct and separate sovereignties within the same territorial space, each of them restricted in its powers, and each, within its sphere of action, prescribed by the constitution of the United States, independent of the other. But, after the return is made, and the State judge or court judicially apprised that the party is in custody under the authority of the United States, they can proceed no further. They then know that the prisoner is within the dominion and jurisdiction of another government."

We confess we are now only writing from memory of what the report contains as we heard it read. But allow us to finish the paragraph, and the majority may have all they make by the citation. The Court proceeds in these words:

"And that neither the writ of *habeas corpus*, nor any other process, issued under State authority, can pass over the line of division between the two sovereignties. He is then within the dominion and exclusive jurisdiction of the United States. If he has committed an offence against their laws, their tribunals alone can punish him. If he is wrongfully imprisoned, their judicial tribunals can release him and afford him redress. And although, as we have said, it is the duty of the Marshal, or other person holding him, to make known, by a proper return, the authority under which he detains him, it is at the same time imperatively his duty to obey the process of the United States, to hold the prisoner under it, and to refuse obedience to the mandate or process of any other government. And conse-

quently it is his duty not to take the prisoner, nor suffer him to be taken, before a State judge or court upon a *habeas corpus* issued under State authority. No State judge or court, after they are judicially informed that the party is imprisoned under the authority of the United States, has any right to interfere with him, or require him to be brought before them. And if the authority of a State, in the form of judicial process or otherwise, should attempt to control the Marshal or other authorized officer or agent of the United States, in any respect, in the custody of his prisoner, it would be his duty to resist it, and to call to his aid any force that might be necessary to maintain the authority of law against illegal interference. No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence."

This is the opinion of the Supreme Court of the United States on writ of error in the well known Wisconsin case.

Had we the report before us, we might further be tempted to notice much of its sophistical reasoning; but we think most candid intelligent readers will be able to do this for themselves.

In conclusion, then, the minority of your committee herewith report the bill to repeal sections two, three and four, of an act entitled "an act to protect the rights and liberties of the inhabitants of this State," approved February 13, 1855, referred to them, and recommend its passage. And as to the bill to amend section twenty-five, of chapter 153, of the revised statutes of 1846, being section 5735 of the compiled laws, as amended by act 189, of the session laws of 1859, we propose to amend the same so that the penalty shall be applied only to those "who shall, without authority of law, bring any negro, mulatto or other person of color into this State, against his or her will and shall endeavor to hold him or her as a slave in this State."

Thus avoiding the application of the penalty to the case of a party passing through this State, with a remanded slave, under the act of Congress; and also the mere naked claiming of a slave who has of his own accord accompanied his master on a northern summer tour, and herewith submit an amendment for that purpose, and recommend the passage of the bill thus amended, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD,
M. M. ATWOOD.

I agree with that portion of the above report which refers to the law of 1859, and favor the amendment proposed.

GILBERT E. PRATT.

] No. 18.]

MINORITY REPORT of the Committee on the Judiciary, to whom were referred sundry petitions asking for the restoration of the provisions of the prohibitory liquor law as originally passed.

The undersigned, the minority of the committee on the judiciary, to whom were referred sundry petitions for the restoration of the provisions of the prohibitory liquor law as originally passed, dissenting from the conclusions arrived at by the majority, ask leave respectfully to submit to the House the reasons that have influenced their judgment.

The subject before us, in the opinion of the undersigned, finds an infinitely wider range than a mere ordinary question of simple State policy. It involves in a prominent degree the political, social, moral and religious interests of not only the present generation but of unborn millions yet to be.

Prohibitory laws are intended to exercise a restraining and reformatory influence upon the vicious habits and passions of the people. The extent of that influence depends entirely upon the moral sense of the populace. The public sentiment in all

communities is especially sensitive to any real or apparent inconsistency that may characterize legislative enactments in relation to existing evils of kindred character.

And in the judgment of the minority, any discrimination by a legislative body between the several classes of intoxicating beverages which permits the unlimited manufacture of, and indiscriminate traffic in one or more, while at the same time it totally prohibits the manufacture and traffic in others, under severe pains and penalties, has no other effect than to induce an utter disregard of such laws, besides setting in motion an under current that may ultimately set at defiance all lawful authority, and not unfrequently inspires supreme loathing and contempt of the law-maker. Hence it is that innumerable complaints, borne on the wings of the wind in rapid succession, come up to salute our ears from every city, village and hamlet in the State, of the inefficiency of the law, for the want of public sentiment to sustain it. These appeals to our philanthropy come fraught with life pictures of blasted prospects, crushed hopes, poverty, want, degradation and crime, heightened and embellished by the bitter, scalding tears of broken hearted wives, mothers, sisters and daughters, interspersed by way of variety with the low, vulgar and disgusting sights, coarse and unseemly epithets, cursing and fiendish imprecations that issue from the various scenes of bacchanalian revelry, intermingled with the wild, terrific cries and shrieks of half-grown, ill-fed, half-naked young wretches, now under tuition in the department preparatory to the State Prison. And yet public sentiment, under the genial inspirations of ale, wine, cider and the hundred and one other delectable domestic beverages, look with stolid indifference (if not with complacency) upon this whole scene of wretchedness, desolation and ruin, and coolly commend them to the wholesome restraints of moral and religious influences, while our jails, work-houses, reform schools, insane asylum and State Prison, are filling up with astonishing rapidity from these fruitful nurseries of vice, threatening at no distant day an utter depletion of any well-filled treasury. This is a consideration

that must perceptibly shock the sensitive nerve that encircles the key-hole of every man's drawer.

While the undersigned sincerely desire ever to recognize, respect, and appreciate the full value of moral and religious influences in society, they deem it eminently proper that this body, acting for the common good of the whole people, shall take no action that shall tend so to pervert the public mind, as to impair the efficiency of such influences, and they will be slow to believe, that, with this fearful state of facts staring us boldly in the face, the concentrated wisdom of the State, can be dissuaded from the discharge of an imperative duty, by arguments based upon the probable depreciation in value of property in breweries, wine and cider presses, while property in slaves and distilleries is wholly ignored, or that they will endorse the theory that "the fruit-grower has any other or greater rights to express, use, and sell the juice of his crop, than the grower of wheat, rye, corn, or any other class of grain. Nor do we believe they will, with open eyes, accept the new fledged philosophy, that a large class of our citizens will have stimulating, intoxicating beverages despite the law, or its counterpart, that the tendency of the introduction into general use of wines and beer, is to bring into disuse ardent spirits, nor any subterfuge transparent as the air, and empty as a surface bubble.

While the minority fully comprehend and frankly admit the correctness of that reasoning which finds that the extreme doctrines of moral reformers reduced to law, may for a time arouse bold and determined resistance, resulting in open rebellion. We cannot conceive how this admitted truth can be with reason urged against a proposition that has once received the direct endorsement of the people by an overwhelming majority at the ballot box. This measure, if extreme at all, has some years since ceased to be "the extreme doctrine" of the more isolated moral reformers, but has become the extreme doctrine of the people. Nor can we share in or sympathize with the apprehensions of the majority that insurmountable obstacles will be interposed to the enforcement of a prohibitory law, when we re-

flect that the introduction of every reform, whether of a social, moral, political, religious or scientific character, must encounter its appropriate share of hostile resistance until the people become accustomed to its wholesome restraints and influences.

The undersigned, reposing implicit confidence in the candor, virtue and intelligence of the people, herewith submit a bill in accordance with the prayers of the petitioners, entitled

A bill to amend an act entitled an act to prevent the manufacture and sale of spirituous or intoxicating liquors as a beverage, being section 1, of chapter 52, of the compiled laws.

All which is respectfully submitted.

M. M. ATWOOD,
W. T. HOWELL.

[No. 19.]

**REPORT of the Joint Committee of the Senate and House of
Representatives on Mines and Minerals.**

The joint committee on mines and minerals, to whom was referred so much of the messages of the two Governors as related to the mineral interests of this State, direct their chairman to submit the following report :

Your committee have carefully considered the matter referred to them, but the magnitude of the mineral resources of our State, and its diversified character, render it impossible, within the time allotted to your committee to investigate the subject, and bring it within the appropriate limits of a legislative report, to faithfully and truthfully describe it.

In the outset of our examination we found ourselves much embarrassed for the want of accurate information as to the extent mining is carried on within the State. It is well known to all the citizens of this State that there are not only extensive copper mines, but numerous mountains of iron ore, in that portion of the State bordering on Lake Superior, and coal, salt and gypsum in great abundance in the Lower Peninsula. Beyond this,

little is known to the public. There is no public record in the archives of the State of how many companies are actually engaged in mining, the capital invested, the number of men employed annually, and their wages, or the value of the mineral raised and sent to market. There is in fact no law to be found on our statute book requiring such detailed reports from the various companies of their operations, as would enable your committee to determine whether this interest demands additional legislation to protect and advance it or not.

There is in fact no satisfactory report, even from the State Geologist, whose duty it would seem to have been, to furnish extended information upon the mineral resources of the State, and your committee have therefore been compelled to rely upon other than official sources, for the facts here set forth. Had the State required, as we think it should have done, an annual report of every company engaged in mining, setting forth its capital paid in, the number of men employed, the amount of mineral raised, with a full description of the township, range and section upon which their mine is situated, with a diagram of all their work, the character, course, and extent of the veins opened, and the mineral produced, we should now have an invaluable record, from which the man of science might deduce certain laws, which would doubtless lead to far more extensive and important discoveries than any yet made, and a far better knowledge of the mineralogy and geology of our State, than we are likely to attain from any plan yet adopted. But all this has been neglected by the State, and the consequence is, that there is no one place where this information, so desirable, can be found. While the State has thus neglected this important interest, it is no wonder it is so difficult to make men of capital believe, that in some respects, Michigan is one of the most remarkable mineral countries in the world, and furnishes more inducements for the investment of money than any other.

COPPER.

The first and most important mineral interest in the State are the copper mines near the south shore of Lake Superior. Along the entire range of mountains, commencing at the extreme end of Keweenaw Point, and running westward nearly parallel to the coast of the lake for nearly one hundred and fifty miles, to Montreal River, is a belt of rock known in geology as trap, from one to five miles wide. From the numerous points on this belt of rock, where copper veins have been observed, it may be safely stated that copper is co-extensive with this formation. We by no means wish to be understood that at all points, mines will be found which will prove remunerative, but there is little doubt but the points where there are extensive mines, which will be profitably worked, are much more numerous than is generally supposed. Throughout this entire range the copper is found in masses in a native state, varying from a grain to hundreds of tons in weight. The largest mass yet found in any mine, weighed a little over four hundred and fifty tons.

It is a singular and remarkable fact, and one worthy of much more minute investigation and examination than your committee can give it, that throughout the entire extent of this mineral range, indisputable evidence exists of the extensive working of these mines by a race of people now entirely extinct. There exists not even a tradition of who or what they were, although from the deep excavations in the trap rock, and the numerous stone hammers and copper tools found at various points, the work must have been carried on for ages, and yet abandoned hundreds of years since; for large forest trees in many places are now growing on the very spot or place where the most extensive of these works were carried on by this lost race. What is most remarkable, no trace of any city or town, not a burial place, or even a skeleton, has yet been found. That they possessed an intimate knowledge of this mineral formation, and traced with remarkable accuracy the veins, is apparent from the extent of their mining operations. Not a

single mine has yet been opened, that does not show that it was once known and worked by these ancient miners.

The first accurate information given to the public of the peculiar geological and mineralogical formation, was in the reports published by the much lamented Dr. Douglass Houghton, who was employed by the State to make a complete geological survey of the State. He examined this whole region with great care, followed every stream to its fountain head, observed every rock and mineral indication. He devoted months, nay, years, in this then uninhabited region, with his assistants. He formed no theory in advance of personal examination, and was only anxious to collect such data as would enable him to arrive at the truth. He studied nature, not in his library alone, but in the forest, by the shore of this inland sea, on the mountain top, and he gave to this State in his report in 1841, more valuable and correct information than has been collected since ; but unfortunately for the State and the cause of science, he was drowned in October, 1845, his boat being swamped in one of the sudden storms which sweep over Lake Superior during the fall of the year. His vast work, which had been prosecuted through so many difficulties, was on the point of completion, and he was nearly ready to lay the results of his examinations and observations before the world. Little or nothing has been done by the State since that time, to aid in the exploration of that portion of our State, or to make known its mineral wealth to the world.

But notwithstanding this neglect on the part of the State, and ill considered and ill advised legislation, no portion has made more rapid progress. The copper mines of Cornwall, in England, which have long been the most productive in the world, will soon be surpassed by Michigan, as will be seen from the following tables, comparing the product of the two regions:

PRODUCT OF CORNWALL COPPER MINES.

1771.	They produced, in tons of ingot copper,.....	3,449
1786.	" " " "	4,102
1892.	" " " "	5,195

1808.	They produced, in tons of ingot copper,.....	6,498
1817.	" " " "	7,272
1822.	" " " "	7,757
1857.	" " " "	13,644
1858.	" " " "	13,255
1859.	" " " "	18,245

PRODUCT OF LAKE SUPERIOR COPPER MINES.

1845.	They produced, (lbs.,).....	1,300
1846.	" " (tons,)	29
1847.	" " "	239
1848.	" " "	516
1849.	" " "	753
1850.	" " "	640
1851.	" " "	872
1852.	" " "	1,453
1854.	" " "	2,300
1855.	" " "	3,196
1856.	" " "	5,726
1857.	" " "	5,759
1858.	" " "	5,896
1859.	" " "	7,245
1860.	" " "	9,200

Besides this, at several mines a very large quantity of mineral bearing rock has been thrown out, which will yield a fair per cent. of copper, when the companies are prepared with the proper machinery to stamp and wash the same. It probably amounts to many hundreds of tons of pure copper. The quality of the copper produced from the mines, is superior to that found in any other part of the world. It being in a native state, and not in ores, it is entirely free from arsenic, sulphur, or any other deleterious substance. In some of the mines, considerable silver is found, and it is believed by many that when the country is thoroughly explored and known, that extensive mines of this precious metal will be discovered. But enough is now known of this mining district to render it certain that during the next ten years, it will produce more copper than Cornwall, and take

its rank as the first and most productive copper region in the world.

IRON.

The iron of Lake Superior, like the copper, is of the very best quality. It is found in a range of mountains, lying back from the lake from twenty to thirty miles, although at some points, as at the head of Keweenaw Bay, it approaches much nearer. It requires no excavation, as there are numerous hills, composed almost entirely of this ore, rising many hundred feet above the general surface of the country. At one point, where a river breaks through the range, the strata of iron ore can be seen, of more than eight hundred feet in thickness. It can be quarried—for it is not mined—and placed upon the railway carriages, ready for transportation, for less than one dollar per ton. The average value of the ore is from sixty to seventy per cent. It is safe to say that this portion of Michigan can produce all the iron ore that is necessary to supply the world with iron for ages, without sensibly diminishing the quantity, or enhancing the value thereof. Rapid and extraordinary as has been the progress in the production of copper, it is still more so in iron. The first shipment was made in 1855, tons, . . . 1,461
In 1856 there was shipped, . . . 11,591

1857,	"	"	.....	26,184
1858,	"	"	.....	30,827
1859,	"	"	.....	80,000
1860,	"	"	.....	150,283

PIG IRON.

In 1858, there was produced in tons,	2,000
1859, " " "	6,000
1860, " " "	6,500

The average value of the ore on the docks ready for shipment, during the past season, has been about \$3 per gross ton, and of pig iron, from \$20 to \$25 per ton. The demand for this ore is constantly increasing, as the knowledge of its superior quality and cheapness is extended. The estimated value of the copper and iron exported from Lake Superior

during the past year has exceeded \$4,000,000, and there is every reason to believe that in a few years it will far exceed the entire exports of the agricultural products of the State.

WHAT LEGISLATION IS NECESSARY.

What legislation is necessary or desirable to advance these important interests, is worthy of the most serious consideration of the Legislature. No interest of the State bids so fair to rapidly increase as that of mining, if properly encouraged and protected. To do this effectually, requires an intimate knowledge of the country, its wants and necessities. We would recommend that some provision of law be made requiring all the companies to make such annual reports to some department, to be compiled and published, as will keep the world informed of the progress made in developing our mining interests. The whole subject of taxation should be revised and placed upon a correct basis. All specific taxes should be abolished unless for the support of a high school, to be established at some point on or near the mineral range, where geology, mineralogy, chemistry, and mechanical engineering in all its branches, as applicable to mining, should be taught.

The rapid progress made in the opening of the mines renders it certain that it is quite unnecessary to retain the present rates of toll on the St. Mary's canal to meet all the charges against it. There is now in the treasury nearly \$40,000 to the credit of the canal fund, and it is estimated that the revenues of the present year will be \$30,000 more. In two years, at this rate, the entire loan contracted for the canal could be paid, and the tolls then reduced to a nominal sum, as contemplated by Congress when the grant of lands was made to furnish the means to construct it. The effect of the present rate of toll is to throw not only an unnecessary but an unreasonable burthen upon the business of Lake Superior in its infancy, to the end that it may be entirely free when it gains more strength. The policy your committee would recommend would be to reduce the tolls now to a point barely sufficient to pay the necessary expenses of its economical supervision and management, and the payment of the interest

on the State debt contracted to repair it, leaving the future to provide for the payment of the principal. Long before the State bonds issued for that purpose will fall due, the revenues in any one year, at the present rate of tolls, will pay the debt. The burthens thrown upon capital invested in mining on Lake Superior far exceeds that invested in any business in other portions of the State. This is not only unjust, but impolitic. It tends not only to retard all improvements, but to alienate the feelings of the people towards the State.

ROADS.

During the season of navigation, the communication between other portions of the State and Lake Superior is comparatively easy; but when the lakes are closed with ice, it is extremely difficult. No sufficient provisions has ever been made by the State for opening roads. When the project of roads was devised as auxiliary to the draining of the swamp lands, it was hailed with delight by that portion of the people of this State residing near Lake Superior; but this system, which was wisely planned, and would have produced an incalculable amount of good, if faithfully carried out, was practically abandoned, so far as that portion of our State is concerned of which we are now speaking. With ample means derived from the sale of swamp lands in the Upper Peninsula, not a single mile of road has been constructed there. Why this neglect of the wants of the entire mining interests, while large sums have been expended in other portions of the State, is beyond the comprehension of your committee. A small sum of money, or a mere fraction of the swamp lands in this region, would, if placed in the hands of competent men acquainted with the country, have furnished such roads as the wants of the people and business of that portion of our State demands. Your committee would not only recommend, but respectfully urge, that provisions should be made immediately, for the opening of roads in that portion of our State.

In regard to the mining interests of the other portions of our State, embracing as it does the coal, salt and gypsum, your committee are not yet prepared to report upon its extent, the amount of capital invested, or what legislation, if any, is required to protect and advance it.

All of which is respectfully submitted,

J. H. GALLOWAY, *Ch'n Senate Com.*
I. DAVIS, *Ch'n House Com.*
J. COULTER,
JOHN L. NEAR,
C. C. DOUGLAS.

[No. 20.]

REPORT of the Special Committee on the Salt Interest.

The special committee, to whom was referred so much of the Governors' messages as referred to the manufacture of salt, and also a resolution to report to the House information as to the number of companies that have been organized in the State; the number actually engaged in said manufacture; the quantity of salt manufactured by each; the strength of the brine in the wells of each, and such other matter in regard to salt wells and salt manufactures of this State, as would be of interest to the House, would submit the following report:

The numerous salt springs which are found scattered over the State, have for a long time, led to the belief, that Michigan contained within herself, water of sufficient strength to enable her to manufacture all the salt which she required for her own use, and also to supply a large foreign demand.

Some 20 years since, Mr. Lyon, of Grand Rapids, sunk a well at that place to the depth of about 600 feet. About the same time he also entered into a contract with Dr. Houghton,

on behalf of the State, to sink another well at the same place, which was carried to the depth of about 875 feet.

Neither of these experiments appear to have been of much practical benefit; although salt water was obtained, and arrangements made for the manufacture of salt, yet the brine was found to be not of sufficient strength to make it profitable, and the enterprise was abandoned.

From that time nothing appears to have been done until the meeting of the Legislature in 1859. This Legislature passed an act giving a bounty of ten cents per bushel on all salt manufactured from water obtained from springs in this State. This action of the Legislature induced capitalists to engage in the business, and the sinking of wells was commenced, both at Grand Rapids and on the Saginaw River in Saginaw county.

At Grand Rapids there are at this time, finished and unfinished, six wells; three by corporations, and three by private enterprise, viz: The Grand Rapids salt manufacturing company, depth of well 410 feet. The Grand River salt manufacturing company,—402 feet. The Indian Mill Creek salt manufacturing company,—450 feet. Mr. Butterworth's well, 500 feet; Mr. Taylor's well, 402 feet; and Mr. Winsor's well, 500 feet.

The strength of the water obtained at this place appears, by salometer tests, to be about 20° , all the wells showing about the same strength. Although at most of these wells arrangements were made to commence the manufacture of salt, but a small quantity has been made.

It was found that it required 150 gallons of water to make one bushel of salt, and that the cost of the fuel required to manufacture salt from this water was equal to the market value of the salt itself, and were it not for the bounty paid by the State the enterprise must be abandoned. The amount expended is \$25,000.

At Saginaw there are nine wells, viz: The East Saginaw Salt Manufacturing Company two wells, one 670 feet, and one 806 feet; the Saginaw City Salt Manufacturing Company, 600 feet;

Messrs. Hill, Gilbert & Co.'s well, 212 feet; Messrs. Ward, Curtis & Co.'s well, 560 feet; Messrs. Litchfield & Co.'s well, 460 feet; Portsmouth Company, 620 feet; the Bay City Salt Manufacturing Company, 510 feet, and the Michigan Salt Manufacturing Company, depth of well not known.

The strength of the water at these wells is from 70 to 90 degrees. But one company has commenced making salt, viz, the East Saginaw Salt Manufacturing Co. They have one block of 50 kettles, in which they make 40 barrels per day, using the water from but one well—the one of 670 feet. The water is obtained by pumping, as it does not rise to the surface of the ground. They require about 15 gallons of water per minute, to keep all these kettles in operation. When this quantity is taken from the well, the strength is reduced to 70 degrees, requiring 90 gallons of brine for 1 bushel of salt. The salometer shows the quantity of solid matter contained in the water, but this is not necessarily all salt. All salt water contains more or less of impurities, and the impurities have much to do with successful manufacture.

This accounts for the fact that 60 gallons of brine at Syracuse, showing a strength of 60 degrees, will produce as much salt as 90 gallons of water in Michigan at 70 degrees. These impurities, which are called "bitterns," make the process of manufacturing both difficult and expensive. The cost of making a barrel of salt at Saginaw is about 95 cents. The amount expended on these wells is about \$65,000. The Saginaw City, the Portsmouth, and the Bay City companies, have made arrangements to commence operating on the opening of navigation with one block of kettles each.

Professor Winchell, in his able geological report not yet published, says: "It cannot be denied that the prospects of the ultimate success of the manufacture in Michigan, are exceedingly encouraging. The unparalleled strength of the brine of the Saginaw Valley, the position surrounded by forests, which must cheapen to the last degree the expense of barrels and fuel, and upon the immediate shore of navigable waters, stretching from

Oswego to Chicago, is such as to enable us to compete successfully with any other source of supply to the western and northwestern States." But he also says: "It must not be forgotten that the enterprise is still in its infancy, and in view of the powerful competition arrayed against it, still needs the fostering care of the government to a liberal extent."

But there are other considerations which in the opinion of your committee make it important that the help of the State should not be withdrawn from this enterprise. The time will come when the immense forests which now cover so large a part of Michigan will no longer exist, and when fuel, as in New York, will become expensive.

The geological examination of our State shows, that overlaying the salt rock, there is a strata of coal from three to five feet in thickness. This coal, in the center of the State, is near the surface, and if salt water can be obtained in that locality of equal strength to that already found, the manufacture of salt for all coming time, at a price which will defy all competition will be placed beyond a doubt.

In the opinion of your committee the true policy of the State is to continue in the course already begun, and adopt such measures as shall induce her citizens to continue the investigation until all the facts connected with the salt formations of our State are definitely determined.

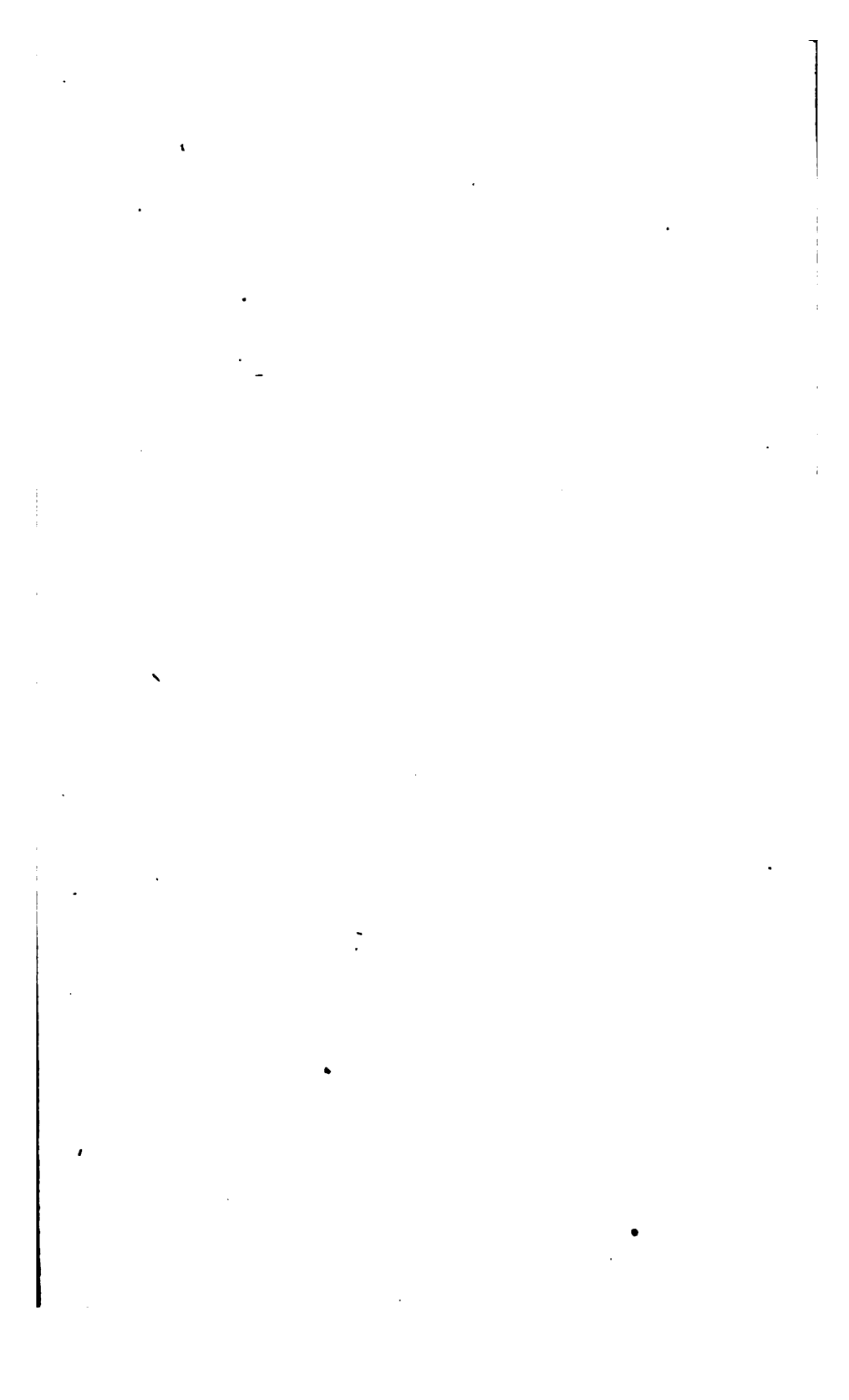
The true interests of the people require that nothing should be imported which can be more cheaply manufactured at home, and when such manufacture is more than enough to supply our own wants, it becomes a source of wealth, is ever increasing. If the estimate of Governor Wisner, that we use one hundred pounds to each person, is correct, Michigan purchases each year 220,000 barrels of salt. If by making it ourselves we can save 20 cents per barrel, we save in each year \$40,000 to our own citizens, besides the profits on that we sell to others, and this when a large portion of the State is still a wilderness. Again, through inducements held out by the State, over \$100,000 has already been expended. Would it be just to place this large

amount of capital in danger of being lost, simply because there was a prospect that the enterprise will prove a successful one? Is it good policy to leave the man who has begun this work to struggle alone against the immense competition which is striving, by every means which they can use, to force them to abandon their works. The committee have instructed me to bring in a bill, entitled

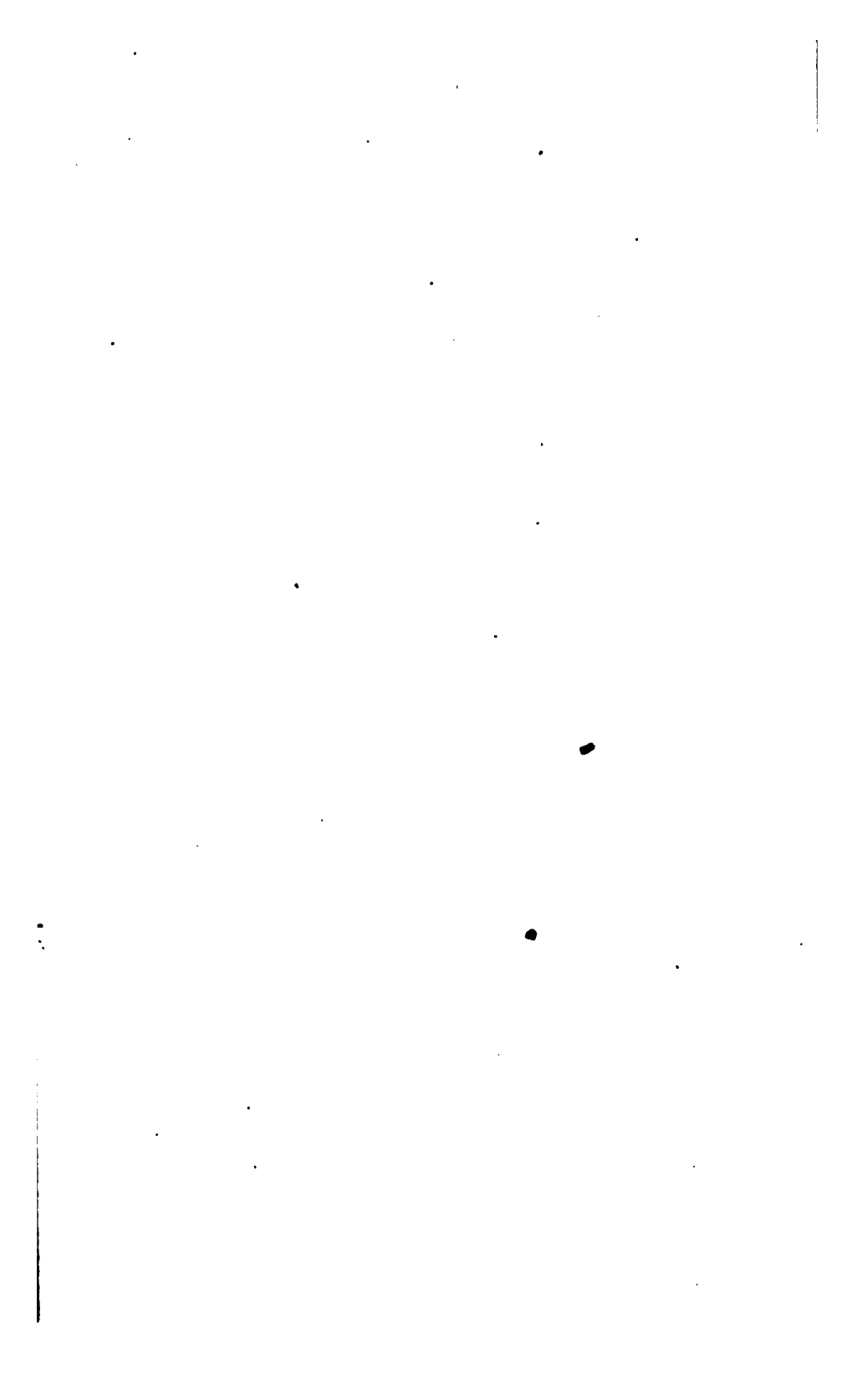
A bill to amend an act entitled an act to encourage the manufacture of salt in the State of Michigan, approved February 15, 1859 ;

Which they recommend do pass, and ask to be discharged from the further consideration of the same.

T. M. WILSON, *Chairman.*







[No. 21.]

REPORT of Committee on Public Lands; to whom was recommended a bill to amend the act to provide for the drainage and reclamation of swamp lands by means of roads and ditches.

The committee on public lands, to whom was recommended House bill No. 54, entitled

A bill to amend the act to provide for the drainage and reclamation of swamp lands by means of roads and ditches, respectfully report,

Though the act of Congress, which was originally made solely for the State of Arkansas, did contemplate in its original conception, only the drainage, diking and protecting lands in Arkansas; it is clear that devoting them solely to drainage by the State, was not held as a condition upon which the grant was made. The State did not at any time, by any act that can, by any fair construction, be so considered, enter into any express or implied engagement; to devote these lands to any particular purpose, any farther than the State should deem necessary for drainage. The whole matter is left with the legislature, in its

discretion, to devote such part as it may deem proper to purposes of drainage, and to effect that drainage by means of roads with ditches, or by ditches alone, as it may deem most expedient, and for the best interest of the people of the State. While we are bound in good faith to carry out the spirit of the grant, we are not restricted in the means we may employ in so doing; nor bound as to the quantity we shall devote to that purpose. The *grant* is absolute and unconditional, so far as the title is concerned.

No one will contend that should the State neglect and refuse to devote a single acre of the land to drainage, the title of the State would be in the least impaired. No provision was made for a forfeiture of title in case of such neglect, and the general government cannot now set up any such claim. Whether such neglect on the part of the State would be just and proper, will not be here considered, but that the compliance or non-compliance with the spirit of the grant has no effect as to the title to the lands is quite clear.

The whole matter is now left with the State to say how much shall be *necessary* for mere drainage, and it is by no means clear that there is any obligation, legally or morally, on our part to devote these lands in any case *solely* to drainage. If we can, on the one hand, construct a ditch *mainly* for drainage and *incidentally*, by the earth thrown out on one side and properly graded, make a road; or, on the other hand, build a work *mainly* for a road and *incidentally*, by means of side ditches, drain the land, we are at perfect liberty both by the law of Congress, of common sense, and our highest interest to do so. In all cases where a demand for either a road or a ditch may be the paramount object, by the construction of either, both objects will be accomplished. No one doubts the feasibility of a road at the side of a large ditch, while any one who has ever seen turnpikes ditched and thrown up through low lands and swamps, knows that nothing more is necessary, in a large portion of swampy, country to make the land arable and of the most valuable kind.

Whoever had, twenty-five years ago, traveled through that

part of Ohio between the Sandusky and Maumee rivers, called the Black Swamp, and will now visit that region, will see a practical illustration of the value of good roads for drainage purposes. From being an uninhabited and almost impenetrable swamp, so level as to render it difficult to trace a curveat, covered half the year with water, and only fit to grow muskrats, frogs and musquitos, it has, by a single turnpike road, been converted into the very garden of Ohio—the most fertile, highly cultivated and productive portion of the State. Thus it is with our own swamp lands in a few years after such roads are completed; and while by this we effectually drain the lands, we open them to the ingress and egress of the settler, and make them inviting and inhabitable. Of what use can it be to drain these lands, *only*, if we don't provide some means for the emigrant to get to them? This region is very different from what was the condition of the older part of the State when it was new. The latter was mainly high, dry and rolling, and the forests were mostly thin and easily removed, while the northern portion is low, wet, swampy, and densely covered with heavy timber. It has been justly said that for our growth and prosperity we want *men*; we want settlers on our lands. These and the products of their toil are what add to our strength, wealth and influence.

To procure them, and to enable them to prosper, we must make the region in which we would plant them, not only inviting in the first instance, but tolerable to them after they have gone there.

Our northern regions, at present, are neither the one nor the other. If our Revolutionary Fathers, or those of 1812, deserved *pensions* at the hands of Government for their courage, perseverance and self-sacrifice, the hardy pioneer in these forbidding forests deserves much more. He evinces no less courage and perseverance, and undergoes no less hardships, and fights a no less blood-thirsty enemy; and that, too, by millions. How are we to make this country thus inviting and tolerable?

It is not by empty puffs and newspaper blarney, about our

magnificent forests and rich soil. Such has been tried, has had its day, and lost its force.

The rich soil, the pure air, the fine views and ease of beginning for poor men and those of moderate means, to be found west of us, have too many attractions and too many advantages for the husbandman to allow of his being drawn off into our cold, damp northern wilderness, inaccessible by roads and interspersed with swamps, marshes and morasses. Still more; the people *now there* are only induced to remain through the employment given them by reason of the lumber business, which is only temporary, and will soon cease by exhaustion of the timber.

If we will ever have that region settled, we must do more than merely to grant the right to build their roads. It is vain to offer the settler lands, even free of charge, as an inducement to try to live on it; for if he has sufficient means to open a road to his lands, those means will carry him farther west, where he will find cheap lands, accessible without artificial roads, with a climate and soil far superior to ours.

It is, then, only by *making* such roads as will invite emigration, that we can induce more into the country, and keep those who are there. The policy of granting the lands, freely but surely to the purpose of such roads as commenced two years since, has thus far proved a wise one, and as far as the plans of the projectors have been carried out, has proved very satisfactory and successful. We are therefore satisfied to continue the system, on a much more extensive scale.

It is certainly an object to the State to have these lands in the hands of persons that will pay taxes on them; and there are large tracts that no man would take for the taxes until roads are built to them. If we can get the market value for the land put into roads, thus enhancing their value for taxation along the routes, while at the same time the lands become private property, and taxable, it is certainly an object to do so.

The idea that these lands can be sold for cash, and thus create a fund to be used for drainage, or for any other purpose, is

most chimerical. The sale of swamp lands made, as will be seen by examining the reports, have been mostly in the older and better settled parts of the State, where no large tracts of such lands exist. These have gradually been exhausted, and as the purchaser has been forced back into the wilderness, the sales have been less and less. In 1858 there were swamp lands sold to the amount of \$111,325, in 1859, \$93,068 02, in 1860, \$27,883, and the latter has consisted mostly of pine lands along the streams, except the amount of \$7,774. So that from \$111,325 three years ago, it has dwindled down to the mere pittance of less than \$8,000, and yet there are over 5,000,000 of acres left. We venture the prediction that unless we open up the county by roads, the sales in the next five years will not amount to \$10,000,—not enough to pay the salaries of the State land officers. Yet with all these facts before them, there are those who talk about reserving them as a fund for future use. If the policy of such economists is to rule, it *will* be a fund, if at all, for *future* use; so far in the future that our great grandchildren will look forward with doubt as to when the fund will be realized. The whole matter of swamp land sales is at this time at a dead stand still. The income being too small to pay current expences of the land office, except from payments on former sales, and for tax titles.

While the land was practically withheld from market by the \$5 act, settlers went into the woods in several of the northern counties where they now ask for swamp land roads, enticed there by the reduced price of the government lands, and after three years of struggle with the hardships and privations of the wilderness, have got fine improvements and considerable surplus of produce. But now they find their produce nearly valueless since it is either impossible to get it to market for want of roads, or the transportation is so expensive for the same reason, that it is of little or no value. They appeal to the State to aid them by the measure we advocate.

When it is considered that it costs over \$50 per mile to clear a road through these woods, to say nothing of grubbing, bridg-

ing or causewaying to make them at all passable, some idea can be formed of the condition and needs of the settlers who have boldly pushed five, ten, or fifteen miles into the forest, and settled down to subdue the wilderness and make farms. You will give a man forty acres of land on condition of actual occupancy and improvement, yet if it be five miles off it will cost him the price of eight such tracts to get to it with a team and empty wagon.

But it is said we are willing to aid the settlers, and promote settlement, if we can be sure the land will be appropriated to this object. We do not propose to have the State part with an acre until the value thereof has been expended as provided by the Board of Control. You ask of us the expenditure of our means on the roads, before we can have the lands. In return, is it more than fair that we should know for a certainty that we can have the lands we select when our work is done?

Why not allow the hardy and honest pioneer in the wilderness as good a chance to know what he is to have and be as liberal with him as with a large railroad corporation? Of what use will it be to run the railroad lines into the woods, unless you settle these woods and people the country?

While we should place in the hands of our State Board ample authority to devote any necessary amount of lands to mere drainage and incidental road construction, we can see no reason why we should allow the settlers to be blockaded for want of roads that would, to a great extent, accomplish all necessary drainage; or why the energies of present settlers should be crippled and paralyzed by the presence of these lands along the line through which their roads must run.

The committee, believing that the law of 1859, was a step in the right direction, and being unwilling to undo what was, as we believe, wisely done by our predecessors; have so amended that law as to make it a basis upon which a uniform system of construction can be hereafter conducted; while it provides, as far as practicable, for the relief of the State and the contract or on existing contracts.

Under the system as provided in this bill, no further indebted-

ness of the State, payable in cash, can be contracted ; while it is believed there is sufficient safeguard against any possible loss on the part of the State. The roads must be constructed and completed, before any title to the lands is relinquished by the State ; while the provision for allowing the contractors to know for what lands they are doing the work, will induce men to advance funds for the purpose, who, under other circumstances, could never be induced to do so.

The committee have made some amendments to the bill and report it back with the recommendation that when so amended, it be passed.

Respectfully submitted.

B. L. HILL, *for the Committee.*



[No. 22.]

**REPORT of the Committee on State Prison, relative to building
a new State Prison.**

The committee on State prison, to whom was referred the petition of Wm. H. Chapman, asking that the Legislature, in accordance with that portion of the outgoing Governor's message relating to the State prison, "take immediate measures towards building a new one," and asking that a small appropriation of money, and the detailing of a small portion of convict labor from the Jackson prison for the same,

Would respectfully report that in view of the fact that in a previous report they have recommended the enlargement of the prison at Jackson, and also the building of the House of Correction at Detroit, both of which, it is hoped and expected will be done, and which when complete, it is hoped will amply provide for the safe keeping of convicted persons for the next few years, together with the embarrassed condition of our State finances, no appropriation should at this time be made.

Your committee would further state that the building of said new prison "at or near Lansing," would be materially facilita-

ted by the outcropping sand rock at this place, and at the proper time may be found invaluable in furnishing an excellent material in the construction of the same. From what observation has been made relative to these quarries it is believed they are capable of furnishing a very choice quality of building stone, and too, in inexhaustable quantities. Your committee deplore the necessity that may compel the erection of another State prison, but when the sad events of the future do compel such a step, it is believed that the plan indicated by the petitioner will be found both economical and wise. In view of the foregoing facts it is recommended that no further action be taken on the subject at this time. All of which they have instructed me to report, and ask to be discharged from the further consideration of the same.

H. B. SHANK, *Chairman.*





[No. 23.]

MEMORIAL of Duncan Stewart, upon the wonderful state of humanity, &c., and asking a grant of 750,000 acres of public lands for the "North Shore Line."

To the Honorable, the House of Representatives of the State of Michigan, at Lansing assembled:

MAY IT PLEASE YOUR HONORABLE BODY:—We live in a wonderful age ; as soon as a man wants anything, it does not matter whether it is right, just, proper or expedient, it does not matter if it infringes the laws, the Constitution, or the rights of his fellow citizens, he at once asks the Town Council, the State Legislature, or the National Government to grant his request, threatening, if they do not, that he will turn this excellent and much abused world upside down. I have merely mentioned the above features of the extraordinary age in which we live, in order that your Honorable Body may not feel surprised at the various requests I am now about to make, and as they are strictly in keeping with the greedy, selfish, grasping spirit that I see exhibited on every side, I need not trouble you with further apologies. Their strict conformity to the "spirit of the age" being my justification, and I pray your Honorable Body for their adoption.

My modest, humble requests, are as follows :

1st. I rented a house to a tenant ; he went off and did not pay the rent ; the property has therefore "gone to grass." Therefore, I pray your honorable body, to pass such a law as will compel the assessor of this city of Detroit, to tax such property as "rural meadow or garden," (seeing it has gone to grass.) I wish you to use the word "meadow," but should your honorable body object to the word, then use any term you please, only relieve me from taxation that I have a perfect right to pay, and compel H. P. Baldwin, James F. Joy, C. H. Buhl, Z. Chandler and other large property holders in the densely built parts of the city, to bear my burdens in addition to their own.

2d. I would also humbly pray, that the following property holders may be exempted from paying any further taxes, either to the city or State, as it is a monstrous wrong that men of their standing should be subject to the same laws of taxation as Plebeian merchants, manufacturers, mechanics and laborers, to wit : Governor Woodbridge, Gen. Cass, E. A. Brush, Joseph Campau, Judge Moran, Daniel Cooper, Rodney D. Hill, Governor McGlelland, and as many more as the members for the city of Detroit can call to mind of the same stamp.

I will now give your honorable body reasons why such persons should be exempt from taxes:

1st. Many of those owning large estates have spent the greater portion of their time tampering with the assessors of the city of Detroit, and the tax rolls will show they have tampered most successfully; and that the taxes thus saved for the past twenty years, would pay the entire bonded debt of the city of Detroit. It would, therefore, be better to exempt them from taxation, than have them live in continual violation of the law.

2d. Many of these gentlemen held heavy mortgages on property in the densely built portions of the city, on which they never paid one dollar of taxes; it therefore follows, that if they pay no taxes on their investments in the densely built parts of

the city, it would be injustice intensified to ask them to pay taxes on the property they own on the outskirts of the city.

3d. As poor men have "no rights that such men are bound to respect," it is right and proper that the small lot, with small house, of the laborer, in the outskirts of the city, should be valued at \$500 to \$700 for 50 feet by 130, and that the property of his rich neighbor, just on the side of his fence, should be valued at \$5 to \$10 per acre, under the poetic name of "rural, meadow, or garden land." As such men have an idea that your honorable body is composed of such men as are utterly unfit to judge of what is right and proper, you will of course be expected to see no wrong in the above vile abomination, but will so legislate as to make "the rich richer—the poor poorer."

4th. The industry of the merchant, mechanic and laborer, having built up a large city, and made the original property-holders so wealthy that their fortunes are counted by hundreds of thousands—some of them by millions—it would seem just and proper, as the times are dull and corner lots are not in demand, that these classes should pay the taxes on property not yet sold, so that the holders could hold on till times get better and exorbitant prices can be realized. Your Honorable Body understands perfectly, that all cities "flourish like a green bay tree," where the merchants, manufacturers, and laborers pay all the taxes, and where land is held so high that a laborer or mechanic cannot find a home, and where manufacturers cannot find land on which to establish their various branches of industry without paying more for the land than their business would warrant or allow.

5th. Our rich men never retard improvements, and never put the city to great expense to defend injunction suits against paving, extending gas and water pipes and increasing the comfort of the people. They never oppose the building of a work-house, jails and city halls. They never lease their property for the lowest kind of low, debased drinking saloons. They never rent or lease their property for houses of ill-fame, and such places as debauch the morals of the young. They never pay any taxes

that they can find others to pay for them. They never play the part of Shylock and go in for the "pound of flesh." In fact, they never do anything that they can avoid doing, and are, therefore, worthy of all due consideration at your hands; so tax the poor man's lot in order to save the rich man's field.

6th. As the "rural, meadow, and garden" dodge is of democratic origin, perhaps a republican House, a republican Senate, and a republican Governor, will pass the tax bill asked for, and perhaps the democratic politicians of the republican city of Detroit will, with their usual desire to spare the feelings of republican office seekers, not allude to the absurdity, unjust, uncalled for, villainous and poverty crushing law, if enacted. Of course they will not, and perhaps republican merchants, mechanics and laborers will continue faithful to the party—"go it blind," and contribute with a liberal hand the funds needed for future contests. Of course they are in perfect love with unjust taxation, and most anxious for its application. If this is the opinion of your Honorable body, the bill will better be passed, but perhaps it may be as well, for the good of the republican party, not to pass it. If it does pass, perhaps the first triumph of the republicans in Wayne county may be its last; with this view of the case perhaps it may be quite as well to let democrats "skin their own skunk."

I will now pray your honorable body for something for myself. I am, as some members of your honorable body are aware, deeply interested in the carrying trade of Michigan, and the glory of that trade is about to depart, to be carried off, body and soul, by the Legislature of Wisconsin. And in this I see the Detroit and Milwaukee Railroad Company, with its accustomed modesty, mendacity, and assurance, has applied to the State of Wisconsin for a grant of land to build two powerful propellers to run on Lake Michigan, in order that the products of that State may be carried cheap to market—in fact so cheap that Milwaukee can strip Detroit of all the trade on the line of the Detroit and Milwaukee railroad.

In order to checkmate such a deplorable state of things, I

pray that your honorable body may see fit to grant me and those with whom I am associated, 250,000 acres of the public lands to replace the present "North Shore Line." Some of the boats now used are so old that they are gone to seed, and I pray your honorable body that you would pass a law to have all those "gone to seed," taxed as a garden patch. You can grant us this request if you please, for the amendment to the city charter shows your honorable body may, in the perfection of your wisdom, order property to be taxed for *the use the owner holds it for without any regard to its actual cash value*. Of course, the guarantee the Constitution gives of equal taxation, according to *actual value*, should receive no notice at the hands of your honorable body—but this is a digression.

I pray further, that in addition to the 250,000 acres already prayed for, that you would grant to me and my associates 500,000 acres more of the public lands to create a sinking fund, the interest of which would defray the running expenses of the North Shore Line. Men of no great judgment or common sense will see at once, that if you grant 250,000 acres of lands to build six powerful propellers, and 500,000 acres more to run them, that I and my associates will be able to defy all competitors, and enable Detroit to compete with our friends at Milwaukee. The advantages that I and my associates would derive from this grant are so plain, that members in the interest of "rural, meadow and garden patches" must see at a twinkling its great benefits; and as the request is full as modest, and has much better reasons to support it than the amendment of the charter scheme, I ask them to vote for it, and I will ask my friends—as soon as I discover I have any—to vote these friends clear of all taxation, as prayed for in this humble petition.

There is one more reason why you should grant this 750,000 acres of land; there is in Canada a mammoth corporation called the Grand Trunk Rail Road. Its Liverpool newspaper organs, some three years ago, boasted that it would turn all the trade of the west, or at least a large portion of it, through British territory, and that it was destined to finish what Ameri-

can railroads had begun, to wit: The utter ruin of the carrying trade of the inland seas; and it expected to completely exterminate the business of American vessel owners. Well, it tried its hand in the extermination line, and it has been successful beyond the most sanguine expectations of its warmest friends—it has exterminated the character of the present Canadian ministry; it has exterminated the character of its principal managers; it has exterminated its innocent and helpless stockholders; it has exterminated its creditors, and it now seeks to exterminate the tax payers of the British North American Provinces. But it has not exterminated us poor devils of American ship owners. (If the devil is distasteful to any of the members, I ask their pardon for introducing him to their notice.)

This great corporation will come next month before the Canadian Legislature, and ask the people of Canada to pay its debts, amounting to over twelve and a half millions of dollars. In return, they may give the Province their acceptances for the amount, and they will sell in New York and London for about as much as will those of that arch-villain and notorious traitor, Governor Floyd. They will also have the modest assurance to ask the people of Canada, who have already given them fifteen millions of dollars, to guarantee the stock and bonds of the road 3 or 4 per cent. per annum. The schemes may grind the Canadian people into the dust; but what of that—the Grand Trunk don't care.

Your honorable body will at once see that if Wisconsin builds propellers for the D. & M. R. R. "free gratis, for nothing," and Canada does the handsome thing by the Grand Trunk, pay its debts, &c., &c., it will be impossible for myself and associates to keep the stars and stripes floating on our inland seas, unless you put us on a footing equally favorable with our formidable competitors. I should not object to having the bill for my relief attached to the bill intended for the relief of the destitute, houseless wretches, who own the "rural, meadow, and garden patches," and who never act as honest men when taxes are the

things concerned—and your petitioner will ever pray “good Lord, deliver us,” as soon as possible, from the burdens of our great land owners, or give them the blessed pleasure of paying their own taxes.

DUNCAN STEWART.



[No. 24.]

AN ADDRESS on the Climate, Soil, Resources, Development, Commerce and Future of the Upper Peninsula of Michigan, delivered in Representative Hall, at Lansing, February 6, 1861, by ALEX. CAMPBELL, of Marquette.

Mr. Lockwood offered the following :

Resolved, That 5,000 copies of the address of the Hon. Alexander Campbell, on the resources and prospects of the Upper Peninsula of Michigan, be printed, 1000 of which shall be placed in the hands of Mr. Campbell, and the remainder for the use of the members of the Legislature ;

Which was adopted.

THE UPPER PENINSULA.

Less than twenty-four years ago the Upper Peninsula became a part of the State of Michigan. At that time it was considered a comparatively worthless territory—its geographical position being unfavorable to agriculture—its climate frigid and unfriendly to all the pursuits we had come to regard as necessary in the settlement of a State.

The man who would have predicted the development that has followed—the opening of such exhaustless wealth—the exist-

ence of flourishing villages—the seats of future cities—and its already large commerce, would have been called a foolish dreamer.

But far back of the date we name, there was a man—the far-seeing sage and philosopher, Dr. Franklin—when, as the American Minister in Paris, he was fixing the boundary line between the United States and Great Britain, *saw something of the importance of this country in the future*. At that time he had access to the journals and charts of a corps of French engineers that had sloops and were exploring Lake Superior when Quebec fell to the British, “from which charts,” he tells us, he “drew the line through Lake Superior, to include the most and the best of the copper to the United States, and,” says he, “*the time will come when drawing that line would be considered the greatest service he ever rendered his country.*”*

If, then, when the General Government transferred the Upper Peninsula to Michigan, there were none to regard it as an important acquisition, we rejoice that there was, quite a half century before, a man—a true friend to his country—who, in the discharge of his duties, had the industry to find and the sagacity to secure a territory the development of this hour proves to have been a great service—not to say the greatest he ever rendered his country.

In order that the people of Michigan may know more of this very important part of the State, which for the last few years has been attracting general attention, I will endeavor to bring more fully before the public mind its climate, soil, resources, commerce, and future.

The general impression everywhere seems to be that the climate of the Lake Superior country is frigid and severe beyond endurance—that for sufficient reasons it may be tolerated, but is nevertheless a sort of affliction. This feeling prevails especially in regard to its winters. How often I am asked—“How do you manage to keep warm there in the winter—I should think you would freeze to death.” This utterance expresses the com-

* See Whitney and Foster's Report of the Copper Regions.

mon notion of the frigidness of the country, *but is it the experience of its people?* It is true that the mean temperature of that climate is a few degrees lower* than in the latitude of Detroit or Chicago; it is also true that its snowy season is some longer and its snows some deeper, but such is the pureness, dryness and vitality of the atmosphere, that it is truly an elixir. Such is the bracing and life-giving power of the summer air, that it has become more than a Saratoga for the jaded business man and the invalid, and in almost every instance those who have thus sought recuperation and life have been rapturous in their praises of its invigorating influences. Such of course do not spend their winters there, their vocation being elsewhere, or the winter air too powerful for the consumptive, unless in its incipient stages. But among its most valued citizens are hundreds who owe their lives to the recuperating agencies of the climate, and the experience of all is *that the winters are the pleasantest part of the year*. The vitality and life it imparts are a positive luxury. They know nothing of the debility, the sallow-feebleness, feverish colds and barking coughs of the damp, depressing, changing climates of the lower latitudes. Animal and intellectual vigor, vivacity and a full flow of healthful spirit is their blest heritage. And what is existence without health? What are days and years without physical life? Indeed, the full possession of these, the country and climate that will secure the most perfect development of physical being, must ever be the home of the greatest human happiness, and because the inhabitants of this peninsula possess these blessings in an eminent degree, their universal testimony is, "If I only spend one-half of the year on the lake, I shall choose the winter." No happier or healthier people exist; their whole being gushing with a full tide of life, and neither the climate nor the winter's air will ever prove an objection to making the country a home; the practical pursuits of life being remunerative.

This peninsula has become a very important part of our State. It embraces an area of 16,287 square miles—territory sufficient

* The average for the year is 7° lower.

for a State—the coast of which is washed with the waters of Lakes Michigan, Huron, the St. Mary's River and Lake Superior ; in all a coast border of nearly one thousand miles, and enriched with some of the finest natural harbors in the world—as Bay de Noquette, Mackinaw, Detour Whiskey Bay, Grand Island and L'Anse. In this respect the country is favored with peculiar natural advantages for the productiveness of its commerce, which is destined to assume a magnitude the most credulous are not now willing to admit. I would not, however, be understood as saying that the commerce of this peninsula does not now, or will not hereafter, need other improvements to facilitate and render secure the property and lives of its citizens ; for these are now in constant hazard at the different business centres, for the want of such improvements.

The great interest, and that which gives primary and principal importance to the country, are its mineral deposits. But because these—the copper and the iron—thus far have given it such prominence, we must not conclude that it is barren of all other advantages.

A very important branch of business, and which, with the proper protection, will long continue a profitable and increasing field of industry, are the fisheries that now exist, or will hereafter be established. I see from the Report of the Superintendent of the Saint Canal, that in 1859 there passed through it 4359 barrels of fish. The year just closed, the amount was 4051 barrels, and if the amount consumed on the lake were added, the aggregate products would not be less than 6000 barrels. The northern part of Lake Huron, the Straits of Mackinaw, the northern part of Lake Michigan, the St. Mary's River, and most of the south shore of Lake Superior, all border upon, and so far as the fisheries are concerned, belong to this peninsula, and abound with the finest fresh water fish in the world, known as the White Fish and Mackinaw Trout. But, if the State would preserve these fisheries, and make them a permanent benefit, the Legislature will enact a stringent prohibitory law against "pound fishing ;" for if this mode is continued, it will in

a few years depopulate to a good extent these Bays and Lakes, keep the market glutted and depreciate their value. Sein and net fishing are the only modes that should be legalized as a branch of industry—as this would be remunerative—will protect the fisheries against premature exhaustion, and render healthy the commerce of this very important article.

Nor is this peninsula without advantages as an agricultural region. It is true, it is not, and never will be, so well adapted to this branch of industry as Illinois or lower Michigan; but in many respects, and in soil especially, it is as far ahead of a large portion of New England, as Illinois is ahead of it. There the country along the lake shores—and that is only what visitors to that country see—is not the most inviting to the farmer. Here are the mineral deposits. Very generally this part of the country is uneven, rocky and mountainous. In going from Marquette by railroad to the iron mountains, the locomotive the first thirteen miles, carries you up an elevation of 850 feet above the level of the lake, and at some points you will pass cliffs of rock piled up in small mountains. What is known as the copper or trap range, running from Keweenaw Point to the Montreal River, the face of the country is more uneven, in places rising from five to twelve hundred feet above the level of the lake; frequently presenting bold, stair-like cliffs, affording many scenes of wild, picturesque beauty.

But along these ranges, even, there is much good soil, where farming is now, or may be, carried on with success. The past year, Messrs. Anthony & White raised, on the Minnesota farm, belonging to the great Minnesota mine, 10,848 bushels of potatoes, 2,100 bushels of turnips, 150 tons of hay, and 100 tons of oats. Other parties raised, beside, 3,000 bushels of potatoes and turnips. Call the potatoes worth 50c. per bushel; the turnips 40c.; the hay \$20 per ton, and the oats \$40—the crop of Messrs. A. & W. was worth \$1,300—a result produced upon but few farms anywhere, with the same labor.

The "Lake Superior Miner," of December 29, 1860, says: "The hay and oat crop of Ontonagon county was not less

than 700 tons, and the product of potatoes and turnips was certainly 25,000, and may have reached 30,000 bushels." Other counties and mines have done as well, especially Houghton, Marquette and Chippewa ; but I have not the product at hand. At Marquette, the iron region, all who have engaged in farming, reap good crops of hay, oats, potatoes, turnips, &c., in a ready market, at good prices and good pay ; for until this branch of industry produces an excess of these staples, they will bring 25 per cent. more in that market than the same articles do below. Within the last two years quite a settlement of farmers has been formed a few miles south of Marquette, on the Chockalay River, and already they are reaping better returns than thousands of new settlers, of the same age, in more salubrious latitudes. In this locality there is a large tract of very desirable country—the soil being a rich loam—the timber large-sized maple, mostly—the face of the land comparatively even, with small streams of living springs of the best water on almost every quarter section. Rare advantages exist here for successful farming for those who will improve them—this land being for the most part subject to private entry or pre-emption—a perpetual market near for all that can be produced. There is desirable land in this locality, sufficient for a large colony.

But other considerations that conduce to make farming a success in this country, beside the robust health enjoyed, fitting the farmer for his toil, is that he finds everywhere a ready cash market for all the wood he can furnish at a price not below \$1 50 per cord. At Marquette, the blast furnaces and railroad make a market for great quantities. Along the copper range, the mining companies consume large amounts in running their engines and burning the copper rock ; so that while the pioneer farmer of Lower Michigan and Indiana had to roll the huge logs into piles and burn them, in order to get the land ready for a crop, in the Upper Peninsula he shares the double prosperity of a crop of hay, oats and potatoes in the summer and a crop of wood, if he chooses, at equally good prices, in the winter. In addition, there is no better country in America for the manu-

facture of maple sugar. Every farmer may have an orchard of ten or twenty acres of fine trees. The snow usually is deep and remains in the woods until April, while the warm sun of March produces an abundant flow of "sap." If maple-sugar can be made with success and profit anywhere, it can here, and yet, strange to record, it is not made as yet except a little by the Indians.

Wheat, the great staple of the cereals, can be profitably produced in this climate. It has not yet been cultivated to any considerable extent, for the reason that there are no facilities for manufacturing it; but Messrs. Sales & Cash, at Ontonagon, and persons at other points, that, as a matter of experiment, have grown it, in every case have, in quantity and quality, succeeded beyond their expectations. I know that the snows of that latitude are often deep, but they are dry and light. The rains of November farther south are snow there, and the snow that then falls before the earth is frozen remains until the following April, protecting the wheat all winter with a covering under which it is secure from the ice and wind often so destructive in milder latitudes.

Nor is this all. If you will visit the farm of Mr. Cash, near Ontonagon, on the bank of that river, in the month of July you will find in his garden as fine strawberries, currants, and other garden luxuries as you ever saw; and in his orchard the cherry, the plum, and the young apple mature or maturing.

But the best farming lands are south of the mineral deposits. From the base of these ranges to the State line is a very large territory, now almost an unbroken wilderness, with a surface comparatively level, a rich, productive soil, and good timber, where farming on a large scale may be inaugurated with success, the products always finding a ready market at the mines and the commercial towns on the lake. But this region will remain unoccupied for a long, long time, unless some efficient provision is made to open into and through it good highways, securing ingress and egress to those who will occupy and im-

prove the lands—a consideration the State cannot look to with too much care.

Farming, doubtless, never will be the principal pursuit of the people of this peninsula, yet this branch of industry is being inaugurated, and may with great profit increase with the rapid development that exists of the mineral interests, and though the length of the winters may militate against raising stock to profit, and the shortness of the season render the corn crop uncertain, yet wheat, rye, barley, oats, hay, beans, peas and potatoes—the staples of life—together with most garden luxuries, as currants, peas, radishes, cucumbers, strawberries, raspberries, and the hardier fruits of the orchard, as the apple, cherry, plum, and pear, will be raised in abundance, and some of them in great perfection. It is astonishing how rapidly and to what size some vegetables grow in that climate. Should I tell all I have seen of these products, they would be regarded, I fear, as “fish stories.” I will relate one sight. I saw at Marquette, in October last, a Norfolk turnip raised by D. Bishop, $1\frac{1}{2}$ miles from town, that weighed 20 lbs.

Thus much for the agricultural resources and advantages of this country. I have perhaps occupied more time with this part of the subject than will be read with interest, but it is so generally misunderstood that I could not say less, and give the public mind any correct idea of the importance of this branch of industry.

It may be well to add before dismissing this subject, that the very articles that grow most luxuriantly and abundantly in that climate, are those that it must always cost the most to bring from abroad. Hay, oats, potatoes, turnips and barley are not only among the cheap products of Lower Michigan or Ohio, but they are also bulky, and the cost of transporting them to ports on Lake Superior is sometimes more than the original invoice. This advantage inures directly to the home farmer, and will, until an excess is produced, of which there is no danger for many years, if ever, as mining will doubtless always increase the fastest. Hence, the farmer can depend upon about the fol-

lawing prices for his products on an average: hay, \$18 per ton; oats, 50 cents per bushel; potatoes, 50 cents; turnips, 40 cents; barley, \$1 25.

The great interest, that which is of paramount importance, so far as the sublime destiny of this peninsula is concerned, *are its minerals*. Without these, we are free to confess, that this part of the State would remain for long years an exceeding uninteresting territory.

The deposits of iron ore, which in fact is almost a pure oxide of iron—its analyses, both in Europe and America, demonstrating that it is 67 per cent. pure iron, or that a ton and a half of the ore will produce a ton of pig metal—these deposits exist in mountains peering up in some cases hundreds of feet above the surface, and extend over a large territory of country. Only three of these are now worked—the Jackson mountain, 14 miles from Marquette—the Cleveland, 16, and the Lake Superior, 17. But west and south-west from these are many others, and some which are much larger than either of the three named. Of this extraordinary deposit there is enough, for it doubtless never will be exhausted. A visitor last summer, who sat down to gaze upon one of these wonders of the world, mused thus to himself—“here is iron enough to construct a railroad around the globe, and then freight it for a thousand years.” Such were his impressions of the magnitude of our mountain, which, when compared with the whole, is only “as the dust in the balance.”

In the region of Lake Michigan, interior about 40 miles from Marquette, the iron is not only abundant, but the country has also much greater growth of hard wood timber than nearer the Lake, as well as the very best water-powers, so that the ore, the fuel, and the power all concentrate, and when the railroad penetrates thus far, *if not before*, furnaces will make charcoal iron with great success. Doubtless much the largest amount of this *very rich* ore will always be exported and manufactured at or near the coal beds in Ohio and Pennsylvania; but this export creates the facilities for its successful manufac-

ture at home. While there is no good reason why pig iron may not be made with charcoal as cheap there, if all the material—the ore, fuel and power—exist, as anywhere else. It is also clear that perhaps even a better result may be produced by using bituminous coal. With the tonnage employed to move the ore, to a given extent, the coal can be taken to the ore much cheaper than it is to the coal. The time is at hand when the annual export of this important staple will reach three hundred thousand gross tons, and in a very few years will greatly exceed this. The average freight to ports on Lake Erie will not be less than \$2 50 per ton. In extremely dull seasons, or the dull part of the season, charters may be made at lower rates; but as a business of years, constantly increasing, demanding often more tonnage than is available, *profit and necessity* will compel the average and name. But the vessels thus employed have no return freight, and many of them must have a ballast and are glad to carry coal at 25c per ton, if they can have despatch in its discharge at Marquette. If, then, the vessels that deliver 300,000 tons of ore, only carry on an average a one-fourth cargo on return, they will deliver about 80,000 tons of coal, sufficient to make 40,000 tons of pig. With the cash to buy the raw material, the furnace so located that the ore, coal and flux can be delivered to it without transshipment or extra handling, the cost of a ton of bituminous coal pig will not now exceed \$13 50, as follows:

1½ tons of ore, delivered, will cost,.....	\$4 00
2 tons of coal, delivered, will cost,.....	6 50
Flux, per ton,.....	50
Labor, per ton,.....	2 00
Wood and oil, per ton,.....	50
Total,	\$13 50

This is certainly a cheap product, the quality and value of the iron considered; *but the day has arrived* when it can be done, and when blast furnaces, properly located at Marquette, will prove better investments than at any other point.

Beside the wonderful richness of this ore, its freedom from every baleful ingredient, and the strength of iron produced from it, another remarkable characteristic, is the facility with which it is smelted. It is so much less refractory in the furnace, that with less coal a larger yield of pig is had, than from furnaces of the same capacity, with the lean ores of the Eastern and Middle States. The Pioneer Iron Co. furnaces, located on the railroad, 14 miles from Marquette, are 9 feet in the boshes, and with an average of 130 bushels of coal to the ton, produce 12 tons each, of pig, per day. These furnaces are now run by contract, the company furnishing the wood, and paying the contractors a specified price for coal, per ton of pig, and also per ton for its manufacture. This system removes many contingencies—reduces the cost of the pig to an arithmetical basis, and thus far is satisfactory to the corporation and the lessees. The Northern Iron Co. furnace, located 4 miles down the Bay from Marquette, near the mouth of the Chockalay River, is 10 feet in the bosh, and with bituminous coal, produces 20 tons of pig per day.

In 1858, Stephen R. Gay, Esq., built the Phelps Furnace, $3\frac{1}{2}$ miles from Marquette, on Dead River, which went into operation about January 1, 1859. Its bosh is 9 feet, and the cost of its erection about \$15,000. For two years it has performed in every way satisfactorily, producing at first 8 tons per day, and afterwards 19. The cheapness of this structure, the economy with which it is worked, and its success, induced Mr. Gay, the past season, to erect another, one mile distant from this, known as the Forest Furnace. This is about the same capacity, but costing less than \$14,000. This one went into blast early in December, 1860, and is producing, I learn, an average of 10 tons of pig per day.

Mr. Gay contracts for all his coal made and delivered at a specified price per ton of iron, while all other labor, as far as possible, is let to the lowest bidder. Thus with the comparative small investments of capital in the furnaces themselves, whatever may have been the discouragements and embarrass-

ments under which the smelting of iron ore at Marquette at first suffered, as all new adventures in new countries must, time and experience has thus to a good extent obviated, and to-day charcoal pig is made there so that for \$20 cash upon the dock, a very *satisfactory* margin is left to the manufacturer.

As an item of interest, I add the following results of the numerous experiments of Prof. Walter R. Johnson on the tenacity of bar iron in various parts of the world :

	Strength in lbs. per square inch.
Iron from Salisbury, Ct.,.....	58.009
“ Sweden,	58.184
“ Centre Co., Pa,	58.400
“ McIntyre, Essex Co., N. Y.,.....	58.912
“ England, (cable bolt E. V.),	59.105
“ Lake Superior, (by Maj. Wade,)	89.582

The process of mining the iron ore is both simple and cheap. There is no under ground work, but the ore is blasted from the side of the mountain on a level with the surface of the earth; thus a perpendicular face is formed, and the larger this face the faster and cheaper it can be mined. A side track from the railroad runs along near this face, while the ore blasted off and broken up is loaded into the cars without extra handling. In some cases a cut is blasted into the mountain for a distance, securing a face on both sides from which it is mined. Rails are placed in the centre of the cut, the cars run in and loaded from both sides.

West of the deposits is the great trap, or copper range, running a distance of 150 miles and from one to twelve miles wide. On this range are located the Cliff, Pewabic, Quincy, Franklin, Isle Royal, Minnesota, and National Mines, together with many others well known to the public, now yielding, in the infancy of their existence, over 9,000 tons of native copper per annum. But while the iron is piled up in mountains above the surface, the copper is buried deep in the earth and rock, so that while a comparatively small capital will mine successfully the iron, in many cases it requires large sums to blast out and open doorways

to the copper. But shall we call this an unwise arrangement? If the iron ore, which is only worth \$3 per ton delivered free on board vessels at Marquette, had been hid deep in the earth as the copper is, it would remain there while the world stood. But the copper is worth over \$300 per ton on the dock, so that its value is a motive to open ramifications through and deep into the mountains to find the hidden treasure. I know there has been much, too much, of copper-stock jobbing, and thousands have felt themselves robbed, and in many cases they have been; but notwithstanding all this, the development of this interest has gone steadily forward, rewarding prudent and persevering effort, and confounding the incredulous.

It is now but fifteen years since copper mining was inaugurated in that country, and but five years since the Sault Canal was opened, securing increased facilities and a cheaper commerce, and to-day the mines of Lake Superior raise an annual product of copper exceeding one-half of the amount produced in the United Kingdoms of Great Britain.

But what has been done—all that is actually known of this valuable deposit is but the character of the copper alphabet, or but as the title page, or but the formal pleadings of a few chapters in Michigan's Copper Book, that will yet be read, and seen, and known.

The fact is settled in the mind of every Lake Superior "copper head," that in that range of 150 miles there are many more Cliff, or Pewabic, or Quincy, or Minnesota, or National deposits, that time and money and science, will develop. We have only had the morning of copper wonders—the splendors and glory of their noonday is yet to come. This great range is for the most part yet only a wilderness; a few almost impassable roads crossing it—here and there a mine breaks its solitude—ever and anon the explorer winds his way among crags or thick wooded forests in search of an outcrop, and as often he passes and re-passes what, if it were only uncovered and known, would excite the copper nerve of Boston, as an electric charge from a galvanic battery. But this range will continue to be explored and

re-explored—the rubbish cleared away—every indication and outcrop minutely traced—new lights will help—success will follow success, until the development will be complete.

Previous to 1855, the development and commerce of this country was neither rapid nor remunerative, because of the disadvantages under which it labored. Its tonnage was not large, or of a reliable character, while freights were enormous. Capitalists were fluctuating between hope and fear; the falls of the St. Mary's River, at the Saut, was a natural embargo, subjecting imports and exports to a tedious portage and heavy tax. But the construction of the Saut canal, by a donation of public lands by the General Government, and its opening in 1855, proved a remedy for many of these evils, and at once gave tone and shape to the future of the country. First class steamers and vessels now sail from Buffalo and Chicago to all the ports on Lake Superior, reducing freights, organizing business, securing dispatch, inspiring hope, and placing all the business of the country on an entire new basis. From this time, then, we will more particularly trace the development and commerce of the country.

In 1855, Marquette, the port of the iron trade, was a flourishing little town, of a few hundred inhabitants; a plank road adapted to the transportation of ore by cars drawn by horses, on strap rail, placed upon the plank, was finished from Marquette to the Cleveland Iron Mountain, a distance of sixteen miles. A locomotive road was also in process of construction, and that summer the first locomotive, the "Sebastopol," was placed upon it. Early in September, 1857, this road was pushed to completion, touching the Jackson and Cleveland Iron Mountains, and extending to the Lake Superior, then its terminus. This road, together with its dock, warehouse, depots, machine shops and rolling stock, has cost about three-quarters of a million, and was truly a mammoth enterprise, in so new a country, and especially one that presented so many obstacles to railroad-building; but the late Heman B. Ely, who inaugurated the enterprise, saw a rich prize in the future, as it now promises, and,

madly, as his action seemed to many, he labored incessantly for its completion, until death terminated them, in 1856. The road has now upon it four locomotives, and other rolling stock ready, or in process of construction, of sufficient capacity to bring to the lake, daily, 3,000 tons of ore. Its business for the last three years, has been as follows :

DOWN THE ROAD.			Number Passengers	Passenger Receipts	UP THE ROAD.	
Year.	Pig Iron.	Ore.			Merchandise.	
1858.	1627	80,556 tons	4629	\$1,540 62	1,806 tons.	
1859.	4683	83,078 "	6445	2,007 42	2,258 "	
1860.	3560	150,903 "	5487	1,989 92	2,124 "	

The exports of ore to Detroit, Cleveland and other points, have been as follows:

Year.	Gross Tons.
1855.....	1,447
1856.....	11,597
1857.....	26,184
1858.....	31,035
1859.....	65,679
1860.....	*113,847

There has also been manufactured and exported in pig iron, in 1858, 2,000 tons; in 1859, 6,000; in 1860, 5,500.

In 1855 the ore was carried by the steamers, in 1856 a few vessels were employed, in 1857-8 the fleet was greatly increased, in 1859 forty vessels were principally employed in this trade, and in 1860 over seventy were employed, and prospectively this field promises the largest stable tonnage of the carrying trade. During the past three years there has also been erected near Marquette, as above noticed, five blast furnaces, which, if kept in blast, will produce hereafter not less than 15,000 tons of pig per annum. In 1855, the village of Marquette had a population of about 600; the county, 1100. Now the village exceeds 1500, and the county 3000.

The development and progress in the copper districts has

* Of the 150,903 tons which came down the railroad, some 30,000 are now upon the docks at Marquette.

been no less wonderful since the date named. In 1855 Portage Lake was comparatively unknown—its population less than 1000,—while no great interest was yet attracting special attention. To day they have a population of over 6000 souls ; copper mines that are producing a monthly product of 150 to 320 tons. No man can now go to this interesting point, and behold the thrift everywhere apparent—the great number of new buildings that are being erected—the stir of the populace—the immense investments of capital—the copper cars as they thunder down the train roads to the lake—the prodigious quartz mills, and the power and success with which they stamp the copper rocks and separate the copper from the rock—the large merchandise that is carried on to supply so large a population ; the new enterprises in the form of spacious docks, new hotels, foundries, stamp mills, smelting works—all this and more we might enumerate, cannot fail to make a deep impression upon an observing mind. Nor is this all. As these developments began to assume such proportions, some of the corporations and a few of the enterprising citizens of the place, in order to facilitate the commerce, appropriated \$35,000 from their treasuries and pockets to open the harbor, known as “Portage Entry,” fourteen miles below the villages of Houghton and Hancock, which are located near the mines and on what is known in common places as “Portage Lake,” so that steamers of the largest class with a full freight, have been enabled to cross the bar, run up to the mines, discharge their cargo and receive the copper. Previous to this improvement, tugs and scows were used to transport the freight to and from the steamers, which dropped their anchor in the lake outside of the “entry” to the docks at the mines, at a cost of \$2 per ton. When the lake was rough, as was often the case, steamers could not discharge or receive freight. This difficulty is now obviated ; the expense saved ; while the business has much greater despatch.

There still remained a few short bends in the river or outlet of the lake, which it was difficult for steamers to get around, and the same parties have again contributed \$15,000 to cut off

these, which, when completed, will give them an unobstructed navigation.

This will certainly be called magnificent progress.

At the other points on the Copper Range, Eagle Harbor, Eagle River, and Ontonagon, the development was much earlier than at Portage Lake, and first gave prominence and importance to the country. The celebrated Cliff Mine, whose annual product for over ten years has exceeded 1,500 tons, was opened in 1845. The Copper Falls, Central, and other Mines in the same District known as "Keweenaw Point," were opened at a later day. The equally famous Minnesota Mine, in what is known as the "Ontonagon District," and whose product the past year was 2,180 tons, was opened in 1848. The National and Rockland, whose products are now large, were opened some years after. It was the early opening of these Mines, and their success under all the disadvantages which the country suffered at that early day, and the working of many others in the same districts, which have not yet been as successful, that for many years gave business and interest to the country, and now that other points with the light and facilities that existed, have bounded into being with wonderful development, in no way detracts from those whose entire success gave birth to all that has followed.

Notwithstanding the shipments of copper from the Portage district have exceeded this year largely the amount of any previous one—it being 3,238 tons—still Ontonagon is the banner district, having shipped the past year 3,632 tons, or 394 more than her rising competitor. Which of these rich districts will ultimately rank as the district of the world, it is idle now to speculate. They both possess a fine area of rich and promising territory, which, when fully explored and opened, can alone determine the race. What prominence other districts, now budding into being, may take, would be equally speculative. Yet the fact is not to be disguised that the public eye, in search of copper, has fixed its gaze and hope upon what will be known as

the "Carp Lake district," as a rich field also, as the explorations and workings demonstrate.

These districts are undergoing minute and thorough examination; mining is being reduced to method and system; a rigid economy in the practical application of money is enforced; improved machinery for crushing the copper rock and separating the copper from the rock is being introduced; efficient mining associations are being formed; these and other agencies are producing their legitimate results, *a large yearly increase of this metal until the mines of Michigan shall supply the world.*

The progress thus far made is apparent from the shipments since 1845. It was, in 1845, 1300 pounds; in 1846, 29 tons; in 1847, 239; in 1848, 516; in 1849, 753; in 1850, 640; in 1851, 872; in 1852, 887; in 1853, 1452; in 1854, 2300; in 1855, 3196; in 1856, 5726; in 1857, 5759; in 1858, 5896; in 1859, 7245; in 1860, 9200. The aggregate value of the copper exported in 1845 was \$390; in 1850 it was \$266,000; in 1855 it was \$1,437,000; in 1860 it was \$2,944,000.

And who will not call this progress, up even to the fastest ideas of "Young America?"

"Ironclad" may make a larger show of commerce than "Copperclad," for often during the summer her beautiful "crow-boy" is enlivened with the presence of thirty sail, going or coming or at anchor; but in point of value she must for the present yield the palm to the latter.

But the question arises, will this copper find a market at remunerative prices should the product increase to forty or fifty thousand tons annually? I answer, it will be many years before the product will be so large, although it doubtless will reach this in time; while in all the important mechanic arts the world is increasing now as it never did before, and our own country is especially advancing in population and these arts with astonishing rapidity, thus creating a necessity for a large increase.

The world is also making rapid strides—I may say mighty ones in the accumulation of wealth—not only in the material development of the industrial interests, and the improvements

of the mechanic arts and other sources, *but in money itself*. California, Australia, and the other countries producing the precious metals are adding annually over one hundred millions to its specie basis—that which underlies every other species of wealth.

These agencies will make a demand for the largest possible increase of American copper, without any material decline in its present value. Already a large foreign demand exists for it. Although the mines of England are centuries old and have reached their maximum, yet to-day Europe is a large buyer of copper in American markets. This being the case, the Ontonagon District Mining Association have sent an agent to France—Mr. Artault—to represent in Paris the copper interest of Lake Superior, and it is to be devoutly hoped that his mission may not only furnish better information of the nature and magnitude of this deposit, as it exists on this lake, to that country, and secure a larger market for the copper, but that he will also enlist French capital to aid in its development. I append a statement taken from a letter addressed in Nov. 1860, by Mr. Artault, to the Secretary of the O. D. M. A., showing the amount of copper used in France in 1859, and what portion of it came from the United States.

Consumption in France of pure copper ingots, for 1859:

Russia,.....	17,348	kelograms (2 lbs.)
Belgium,	302,628	"
England,	5,478,322	"
Asiatic towns,.....	1,067,000	"
Spain,.....	329,289	"
Roman States,	698,964	"
Turkey,	260,578	"
United States,	1,253,983	"
Ohili,	1,787,392	"
Peru,.....	328,865	"
Other countries,.....	614,808	"

Total,12,331,172 kelograms for '59,
or 12,331 tons.

In my next I will send you some more very important documents. In 1853, the United States had exported to France only \$105,060 worth of copper. In 1859, they have exported to France the sum of \$1,985,223, and every year it will increase in a very large way, particularly if we take the rank we must have if we exert ourselves.

Yours, respectfully,

F. A. ARTAULT.

The facts developed in this statement from Mr. A. should not only engage the earnest attention of the people of the Upper Peninsula, *but of the State.*

By adding to the \$2,944,000, the value of the copper shipments for the past year, \$367,350 for iron ore, and \$121,000 for pig iron, and \$40,000* for fish from the Peninsula, and \$20,000 for furs, we have an aggregate of \$3,492,350—the *product of the labor of a few thousand freemen.*

In 1845 an occasional steamer visited the Saut of St. Mary's, and above that parties worked their way from point to point mostly by coasting—the business was done by a schooner called the White Fish, and two others—but all of small burden. In 1850 three small vessels, two small steamers and one propeller, did the business between the Saut and ports on Lake Superior, while four steamers plied between Cleveland, Detroit and the Saut. In 1855, the season the canal was finished, six steamers were engaged in this trade and were able to do all the business between ports on lakes Erie and Superior. In 1860, 70 vessels and 12 steamers were inadequate to do the business, and toward the close of the season special charters were made, two of which, the propellers Burlington and Globe, are now on that lake.

The tolls collected from the tonnage passing the canal each year since its completion, are as follows:

In 1855,.....	\$ 4,374 00
1856,.....	7,575 00
1857,.....	9,466 00

* The fish from the Saut and Mackinaw are not embraced in this statement.

In 1858,.....	\$10,484 00
1859,.....	16,941 00
1860,.....	24,660 00

The Report of Mr. Mead, Superintendent, shows that in 1859 there passed through it in imports :

Barrels of flour,.....	39,459
Bushels of wheat,.....	74
Bushels of coarse grain,.....	71,738
Tons of ground feed,.....	1,104
Barrels of beef,.....	4,762
" pork,.....	5,902
" bacon,	345
" lard,	611
Pounds of butter,.....	342,421
" cheese,	54,742
" candles,	117,634
Pounds and boxes of soap,.....	2,205
Barrels of apples,.....	3,785
Pounds of dried fruit,.....	727,159
" sugar,	486,020
Bags of coffee,.....	1,112
Cheats of tea,.....	598
Bushels of vegetables,.....	6,949
Barrels of salt,.....	2,739
" vinegar,	300
Pounds of tobacco.....	21,754
Tons of powder,.....	345
" coal,	8,833
Kegs of nails,.....	3,632
Tons general merchandise,.....	10,134
Barrels of lime,.....	4,845
M feet of lumber,.....	7,749
Bundles of lath,.....	2,588
Boxes of glass,.....	970
Tons of hay,.....	823
Mules and horses,.....	127

Head of cattle,.....	2,031
" sheep,.....	1,571
" hogs,	374
M brick,.....	3,409
Pieces of furniture,.....	7,623
Tons of machinery,.....	927
Boilers and engines,.....	17
Wagons and buggies,	130
Barrels of liquor,.....	7,312
Pounds of malt,.....	235,712

With the exports added, Mr. Mead estimates the total value of articles passing the canal that year, at \$9,887,404 60.

His Report for 1860 shows that there passed through the canal the past year :

Barrels of flour,.....	50,250
Bushels of wheat,.....	284
" coarse grain,.....	133,437
Tons of ground feed,.....	1,291
Barrels of beef,.....	4,897
" pork,	5,747
" bacon,	716
" lard,.....	719
Pounds of butter,.....	400,610
" cheese,.....	43,260
" candles,.....	241,708
Boxes and barrels soap,.....	3,583
Barrels of apples,.....	6,054
Pounds of dried fruit,.....	34,986
" sugar,	832,926
Bags of coffee,	1,758
Chests of tea,.....	1,347
Bushels of vegetables,.....	33,739
Barrels of salt,.....	1,817
" vinegar,.....	486
Pounds of tobacco,.....	74,186
Tons of powder,.....	650½

Tons of coal,.....	15,542
Kegs of nails,.....	3,429
Tons of general merchandise,.....	10,289
Barrels of lime,.....	5,109
M feet of lumber,.....	3,673
Bundles of lath,.....	1,555
Boxes of glass,.....	871
Tons of hay,.....	1,130
Mules and horses,.....	188
Head of cattle,.....	2,813
" sheep,.....	1,047
" hogs,.....	1,537
M brick,.....	325,870
Pieces of furnituro,.....	12,157
Tons of machinery,.....	1,398
Boilers and engines,.....	24
Buggies and wagons,.....	119
Barrels of liquor,.....	9,317
Pounds of malt,.....	309,864
Barrels of fish,.....	4,051

With the exports added, the aggregate value of articles passing the canal this year is estimated at \$12,158,865 94.

These reports demonstrate many important facts in relation to the extent, the value, and the growing importance of this country and its commerce ; for whether they treat of its population, its mineral products, its shipping, its canal receipts, or its internal improvements, they all demonstrate the same truth—that no part of the State is augmenting its wealth and population so fast as the Upper Peninsula.

But a fact I desire especially to call attention to, is the interest the various branches of industry, and especially the farmer, the miller, the merchant and the mechanic, should feel in this country. What a market for their products and business ! *The country only partially improved*, and yet it absorbs, annually, millions of produce and merchandise.

Turn again to Mr. Mead's reports ; estimate the value of the

flour, feed, coarse grain, beef, pork, butter, eggs, cattle, sheep and hay—the general merchandise—sugar, candles, soap, nails, wagons, furniture, coal—the powder, machinery, boilers and engines—and last, but not least, the whiskey. Estimate the yearly value of these, and many other articles named, and then tell me who are benefitted by the country? There is not, especially, a farmer in the State—I mean the Lower Peninsula—who is not interested in, and benefitted by this trade. Ten years ago, the farmer had no market for his surplus coarse products—hay was a drug—oats were comparatively valueless. Eggs and butter were almost unsaleable in the season of their abundance; but these, and much more—for all that is sent to market—finds ready sale, at remunerative prices. Detroit and Cleveland begin to estimate the value of the commerce of this country.

Thus has a large business, which is as yet only local, grown into being. In a few years a railroad communication will be opened from the west end of the lake with the Mississippi River, when it will at once increase an hundred fold. But is such a commerce to have no increased security? Must it be carried on with all its present extraordinary risks? Will the General Government do less to foster and protect the maritime of this lake than it has Lake Erie or Michigan? Does to “regulate commerce,” mean nothing more than to authorise the use of these waters, or to construct light houses? Does it mean to erect princely custom houses, but let the shipping in sight of them dash into ruin, upon the rocks? Such is the genius of our government, that the people feel it should be as much interested in giving security to the property and lives of its citizens, while *in transitu* upon the public waters, as in the collection of imposts, or as the people are, in the development of the material resources of the country.

It has given the people a guarantee of its duty and identity with the security of commerce, in the erection of light houses, and especially to the people of this peninsula in the construction of the St. Mary's Falls Ship Canal. This magnificent work

reflects great honor upon the government, and is the cause of our rising greatness. How it has increased facilities, given value to its iron, inaugurated its manufacture at home, promoted the development of the copper districts and whitened the waters with its commerce. But having accomplished this, having created facilities that is producing such an international commerce, can the government leave it exposed to wind and wave without protection?

I need hardly say that every year life and property is being sacrificed, and in almost every instance, if the necessary harbors existed, they would be saved. The shipping at Marquette, already so large, is exposed to constant peril. The improvements made at the mouth of Portage Lake, by the energy and money of its citizens and corporations should be extended, the whole greatly strengthened to make it secure, and a light placed on the end of the pier. At Eagle Harbor every vessel that enters is exposed to great dangers, and can do so only in a calm. Ontonagon is the oldest port on the lake and of great importance, it being central between Copper Harbor and Lapointe, a distance of 160 miles; but it is with great difficulty that a vessel can now enter with the most favorable weather. At every point of commercial importance there, with an annual business of over twelve millions, on a coast of 360 miles, the most of it bold, rocky and dangerous, there is not one secure or safe harbor.

Some years ago the people of this part of the State felt that the south—the lower peninsula—regarded them as insignificant, and often laws had been made to benefit the State—legislation for their benefit and comfort was mostly ignored. At this time there was some talk of secession—of being set back to the general government in order to organize ultimately a State government of its own. It was thought that this peninsula was so far removed from the State proper—that its interests were so different from those of the lower peninsula—that the Legislature could hardly ever know enough of its specific wants and char-

acter to act understandingly in relation to it. For these and other reasons, a convention was at one time called to inaugurate a movement to secure its separation from the State and become a federal territory, but I believe no declaration of independence was passed. For a few years past but little has been said upon this subject—a better understanding has come to exist—the bonds of brotherhood and interest have grown stronger, and the Legislature is doubtless willing to do anything that is reasonable and just to promote the interests and development of this part of the State.

The bona fide inhabitants of this peninsula are not wealthy. They are, for the most part, worthy and hardy sons of toil—blasting out its wealth. Its rich men are few, and its wealth is owned and controlled by foreign capital—in Detroit, Cleveland, Pittsburgh, Philadelphia, New York and Boston. And the country owes its development to this capital. It would to-day be long years behind the proud position it occupies but for it. Foreign capitalists have poured out their money in its development—hundreds of thousands of dollars have been spent in search of copper for which no return has been made and probably never will be. But the thorough opening of the country will require large sums of money, and it should be the policy of the State to encourage the investment of capital to secure the desired consummation.

With the data I have adduced, we are safe in assuming that the business and future of this peninsula never rested upon a firmer basis than at the present; for if the past, with its uncertainty and difficulties has been so abundant in its rewards, the future with such success and certainty will be correspondingly fruitful with them.

What check the political and financial derangements under which the country is laboring will have upon the next season's business cannot be definitely seen—of course they will have their effect—but under the ordinary prospects of the country Marquette would report the coming year 200,000 gross tons of iron ore, and 12,000 tons of pig iron, giving employment to over

80 large sized vessels ; the copper districts would make rapid advance in the better opening of the mines, and produce at least 12,000 tons of copper, which would give an aggregate export in 1861 of about 5,000,000.

In 1865—but a short period—the iron exports will exceed \$2,000,000, the copper \$8,000,000 ; the population will have doubled, the tonnage employed thribbled, and the destiny of the country placed upon a much higher basis.

Beyond this, I will not attempt to lift the veil that hides the wonders of the future—they doubtless will abound everywhere—but “ironedom” and “copperedom” will have their full quota. As in all ages peninsulas have been seats of power, so this once despised and frigid coast will grow cities, the seats of magnificent manufacture and commerce ; her wealth will become the possession of her own people, with all its financial power, when she will be a tower of strength, immovable as her rocks—commerce doing reverence at her altars, and her fame known in every land.

Thus far I have treated only of what is embraced in Michigan, on Lake Superior. Wisconsin and Minnesota both have a line of lake coast, and in the former the coast embraces much good land, well timbered, with, I understand, valuable iron deposits. The population now, in this part of Wisconsin, is an important item in the trade of the country. The time is also nearing, when a commanding commercial city will grow into importance in this State, at or near the west end of the lake. The increasing business of Northern Wisconsin, of Minnesota, of Northern Iowa, of Nebraska and Dakotah Territories, and the Red River of the North, will, during the summer, be done with the seaboard, *via* Lake Superior. Immense tides of travel will reach all these States or Territories, by steam, from Oswego, Buffalo and Detroit, the same way. Lake Erie was once the theatre of a magnificent steamboat travel ; but this new field may one day rival it. Highways and thoroughfares are now being opened from the lake to the Mississippi—soon they will reach the Missouri—then San Francisco—when steam from Detroit to

Bayfield or Superior will become a grand link in the commerce of the Atlantic and Pacific States of Europe and Asia.

And this is no chimera—for so they called Gov. Clinton's New York & Erie Canal when he proposed it—an enterprise in his day, the accomplishment of which was not an hundredth part as certain as these results. The "Great Northwest," as it is *now* called, politically and commercially demands access to this lake and will have it—but another "Great Northwest" is coming into being in the settlement of the country near the head waters of the Mississippi and Missouri, and the Red River of the North—a territory quite as large as the original thirteen States, whose direct connection with the Atlantic sea-board will be *via* Lake Superior.

Nor is the accomplishment of this far distant. The commercial relation of Minnesota with this lake must become even more intimate than those of Illinois with Lake Michigan, as well as Northern Wisconsin. But a glance at the map will show that it is no farther from ports on Lake Erie to the head of Lake Superior than to Chicago, so that freights to Bayfield or Superior will be no more than to ports on Lake Michigan, while at the former ports they are much nearer all points in Minnesota, or *territory west of her*, than at the latter. All then that is needed to add the business of Minnesota to the commerce of this lake is a railroad from the Mississippi River to it. But we may be asked, will the business of that new and northern State warrant such an investment? I answer with the statistics of Commissioner Wheelock, in relation to the growth and products of that State up to 1859 and 1860. He says :

"The Territory was organized in 1849, when most of the population of 6,400 souls were attached to the Indian trade. The National Census of 1850 gave the following result:

	Wheat.	Corn.	Oats.
1849	1,401	16,725	50,582
1859	3,288,000	3,130,000	3,420,002

The real agricultural history of the State did not commence, however, till 1854, when the Sioux were finally removed: so that a fair comparison would be the following:

	Acres tilled.	Wheat.	Corn.	Oats.
1854	15,000	7,000	80,000	153,000
1859	454,000	3,288,000	3,130,060	3,420,000

Thus in five years from the actual commencement of her agricultural growth, Minnesota has produced a surplus of over 5,000,000 bushels of grain, and in the meanwhile has fed a population which has increased from 35,000 to 175,000."

In relation to the crop of 1860 he says:

"1. That the tilled breadth of 1860 is one-third larger than 1859.

2. That the breadth of wheat sown was nearly doubled. This increase was very considerable in the south-eastern counties, but in the western and northern sections of the State the area is three or four times as great, and more than half of the whole tilled breadth of the State was in wheat.

3. There was a large increase in the average yield per acre, variously estimated at from 15 to 30 per cent.

4. This fruitfulness extends to all crops, including corn, oats, potatoes and hay.

5. The head of the grain is better filled, and the grain better developed than it was last year.

6. The wheat crop has not met a single check, nor suffered from the depredations of a single insect, so far as ascertained.

7. The breadth of corn and oats planted is much less than last year, but if the corn is harvested without accident, the aggregate product will be more than half that of last year.

8. The wheat crop of Minnesota in 1860, with a yield of 23 bushels per acre, will reach an aggregate of over 6,000,000 bushels, of which 4,500,000 will be surplus; and that this is by fifty per cent. the largest recorded crop of wheat in proportion to the population, ever previously produced in any State of the Union, being more than half the whole crop of Ohio in 1859, and equal to 25 bushels of wheat to every individual in the State. The foregoing calculations are made upon an assured basis of fact, without reference to current opinions upon the subject."

The influence such figures must exert in the establishment of the best mediums of commerce, are too patent to need remark.

Good stage roads are penetrating this country from the towns on the lake. One has been opened from Superior to Crow Wing, and will be extended from there toward the settlements on the Red River of the North. Another is being opened to St. Paul, and over these roads, during the winter, good stages are now run.

Another road has been opened between Bayfield and St. Paul. Hon. H. M. Rice informs me that good stages now run twice a week between Bayfield and St. Paul—that the road, a distance of 170 miles, is in splendid order—that they will so run until navigation opens, *when they will run tri-weekly or oftener*. This arrangement will induce a large travel the coming season *via* this lake to St. Paul and other points on the Mississippi river, and is the sure forerunner of a railroad.

The Pacific Railroad, or its northern route, should run from the head of Lake Superior; but if the Government starts it from the Missouri River, before the "iron horse" enters San Francisco from this river, under the energy of private enterprise, he will reach it from this lake. Mark well the prediction.

When this already "Great North-west" is thus settled and developed—when iron shall link its commerce and that of the Pacific with the commerce and wealth of Lake Superior—who will specify the mighty agencies they will bring into play in the final settlement, development, manufacture and business of the country on this lake, and especially that embraced within the Upper Peninsula. During the summer months it will become the oasis of the travelling world by thousands, for recuperation and healthy enjoyment; its wonderful deposits of copper, which had been regarded more as fiction than real, will be seen in their better development; the iron mountains will tell their own silent but mighty story; capital will be unlocked and enter practically into the final development of the whole. The thrift and happiness of its people will attract multitudes to join them in all the various pursuits that are or can be success-

fully followed. The copper will be smelted at home, and the ingot will go into western as well as eastern marts. Iron ore will be manufactured into pig—into cast iron in every form—and into merchant iron, and find a market west and south, as well as east. Its population will have swelled from a score of thousands into hundreds of thousands, surrounded with health, wealth and happiness, with churches, schools and colleges—the best basis of free institutions.

[No. 25.]

**REPORT of the Select Committee, relative to establishing a
Homeopathic Department in the University of Michigan.**

The select committee to whom was referred

A bill to amend chapter 75 of the compiled laws, and to provide for the homeopathic department in the University of Michigan,

With instructions to report thereon for the information of the House upon the subject to which the bill relates, has had the same under consideration, and in obedience to said instructions, begs leave to report :

When the medical department of the University was organized, the homeopathic science was not sufficiently known in this State, and had not a sufficient number of patrons and practitioners to entitle it to so much consideration at the hands of the people, as to call for the opening of a department, and the establishment of professorships for teaching its doctrines and practice. It was in this country comparatively new, feeble and unknown.

The case is now very different. There are at this time over

120 Homeopathic physicians in this State, (besides a large number of Allopathists who desire this measure,) and it cannot be denied that they will compare, in point of intelligence, moral worth and scientific attainments, most favorably with the same number of men in any of the liberal professions. In point of skill and success in accomplishing the object of the medical profession, to wit: in the cure of diseases, they stand pre-eminent. The patrons of the 120 Homeopaths, numbering, doubtless, over 200,000 of the people of this State—at least one-third of the whole population—are in all sections, beyond cavil, most substantial and intelligent citizens. It is not a system that addresses itself to the low and vulgar, to the ignorant and sensual, but to the temperate, cautious, close observing, investigating and intelligent minds.

It is fit and proper, it is for the interest of the people and the prosperity of the Institution, that what is true, philosophical and most useful in medical science and practice, should be fully and fairly presented. The student who resorts to the University for his professional training should have, and has a right to demand, instruction in the most improved, safe and certain mode of relieving distress and removing disease. When this can be done so conveniently and so cheaply as it can by the arrangement now proposed, it is the part of wisdom and of justice to do it; even if the number of people and physicians demanding it was not one-tenth what it really is.

The necessity of a *separate department* for instruction in the homeopathic *materia medica*, and homeopathic theory and practice, arises from the fact that the manner of ascertaining the effects of remedies and their relation to diseased conditions of the human system, as well as the law that guides in their practical application, is essentially different from that of the old school; and as abundant experience has shown, is and will remain *necessarily* so, as long as there are any old school teachers; for whatever physician once thoroughly informs himself by critical study and proper practical application of the homeopathic system and remedies, becomes at once a homeopathist, and of

necessity ceases to be any longer an old school teacher. It is by such study, and honest practicable investigation that the number of homeopathic physicians has so largely increased in this country, a large portion of them having been educated in the old school and having pursued its practice for many years.

None are qualified to *teach* the homeopathic science and practice, but those who have had experience in their application for years in the cure of disease. Hence the necessity of a separate department in the University.

From the fact that the homeopathic *law* constitutes the law of curative medication, homeopathy might justly and properly claim the right to absorb the whole department, to the exclusion of the old system. But as the departments of anatomy, physiology, pathology, practical surgery, obstetrics and chemistry, are the same in both schools, it makes no practical difference whether the chairs in these departments are filled with homeopathsists or allopathists; and as there are yet, and probably will be for some time to come, many in our State who have faith in allopathy, or at least are unacquainted with homeopathy, and hence have little faith therein, we deem it no more than just to such that they should be represented in the University, as well as homeopathsists. But if either is to have the exclusive right, it is most certainly the part of wisdom and humanity to give it to that party which has the true philosophy, and is the most eminently successful in the cure of disease; to promote which, should be the great end and aim of such a department in the University. It certainly would be no more than just to give each of the systems a fair representation in the chairs common to both, but we do not claim even that; as the sciences they teach are none the less true or valuable to the homeopathist because they come from one of different medical faith. Homeopathsists do occupy such chairs in allopathic colleges, and no inconvenience or hardship grows out of it.

The students of homeopathic physicians, as well as others who desire instruction in homeopathy in this State, are now obliged to go to distant States for collegiate instruction in the

science, and are necessarily put to extraordinary expense. This ought not to be, and under the arrangement proposed will be obviated, while no difficulty or hardship can arise from the change, all being left free to attend the lectures or not as they choose.

We are not ignorant of the fact that persons uninformed and persons misinformed, as well as those whose interest it is to remain in ignorance and to misrepresent the homeopathic system, look upon it as unworthy of patronage and support.

In view of this state of things, and in order to throw light upon the subject for the benefit of the uninformed in relation thereto, and to disabuse the minds of those who have been prejudiced against the science by ignorant or unscrupulous opponents of the system; we propose, as briefly as practicable, to show that it is advocated and patronized by many of the most learned and scientific men of the present age.

That the position we claim in the University is not a novelty in the history of such Institutions, but that such departments are at this time in successful operation, and have been for several years, in some of the best Universities in the world.

That homeopathic departments have been established and are maintained in a large number of the public hospitals in Europe and some in America.

That a large number of the government, court and army physicians in Europe are homeopaths.

That the proportion of cures, in all forms of disease, both in Europe and America, is very largely in favor of the homeopathic practice, and that in public institutions the expenses are vastly less under the homeopathic than under the allopathic treatment.

There are now homeopaths occupying chairs in twenty-six allopathic Universities in Europe, known in the scientific circles as formerly allopathic physicians of high standing. Many of them have separate departments, as proposed in our University.

HOMŒOPATHIC PROFESSORS IN UNIVERSITIES.

1. Dr. Henderson, Professor of Medicine and General Pathology, in the University of Edinburgh, and lately one of the Professors of Clinical Medicine.

2. Dr. Macdonald, Professor of Civil and Natural History, in the University of St. Andrews.

3. Dr. J. W. Arnold, Professor of Theory and Practice of Medicine in the University of Zurich.

4. Dr. Bigel, Professor of Midwifery in the University of St. Petersburg.

5. Dr. H. Arnith, Professor of Midwifery in the General Hospital of Vienna.

6. Dr. T. Buchner, Professor of Homœopathy in the University of Munich.

7. Dr. Botto, Professor of Surgery in the University of Genoa.

8. Dr. Chevalier de Horatiis, Professor of the Theory and Practice of Medicine in the University of Naples, and President of the Royal Academy of Medicine.

9. Dr. Edward Martin, Professor of Theory and Practice of Medicine in the University of Jena.

10. Dr. J. A. Weber, Professor of Theory and Practice of Medicine in the University of Freyburg.

11. Dr. Janer, Dean of Faculty and Professor of Clinical Medicine, University of Barcelona.

12. Dr. Lambrecht, Professor of Theory and Practice of Medicine in the University of Padua.

13. Dr. Folch, Professor of Pathology in the University of Barcelona.

14. Dr. Quadri, Professor of Ophthalmic Surgery, Naples.

15. Professor Leupoldt, of the University of Munich.

16. Dr. Reubel, Professor in the University of Munich,

And twenty-eight other Professors in various Colleges and Hospitals of Europe and America.

GOVERNMENT ACTION ON HOMŒOPATHY.

The Chambers of the Kingdom of Bavaria, of the Grand Duchy of Baden, and other German States have authorized Professorships of Homœopathy in the public Universities.

The Imperial Government of Austria has instituted a Professorship of Homœopathy, and has sanctioned the establishment of Homœopathic Hospitals in Vienna, in Hungary, and in other parts of its dominions.

The French Government has recently established a department of Homœopathy in the University of Paris, and Dr. Chergé, a well known Homœopathist, has been appointed Professor.

Among the European court and army Homœopathic Physicians, we will mention:

1. Dr. Aegidi, Physician to H. R. H. Princess Wilhelm of Prussia.

2. Dr. Atmuller, Surgeon to H. S. H. the Grand Duke of Hesse.

3. Dr. Backhausen, Physician to H. R. H. the Princess Frederick of Prussia.

4. Dr. Cramer, Physician to H. R. H. the Grand Duke of Baden.

5. Dr. Goullon, Physician to H. R. H. the Grand Duke of Weimar.

6. Dr. Hartung, "Medecin en Chef" of the Austrian army in Italy—was Physician to H. I. M. the Empress Marie Louisa.

7. Dr. Kuntsmaun, Physician to Prince Von Reuss at Eberdorf.

8. Dr. Kurtz, Physician to H. S. H. the Duchess of Anhalt Dessau, Princess of Prussia.

9. Dr. Lehman, Physician to H. S. H. the Duke of Anhalt Koethen.

10. Dr. Marenzeller (Physician General to the Austrian Armies), Physician to H. I. H. Archduke John of Austria.

11. Dr. Quin, Physician Extraordinary to the King of Belgians, Physician in Ordinary to H. R. H. the Duchess of Cambridge.

12. Dr. Necker, Physician Extraordinary to H. M. the King of Prussia.

13. Dr. Nunez, Physician to Her Most Catholic Majesty the Queen of Spain, Chevalier of the Order of Charles III. and of the Legion of Honor.

14. Dr. Schmidt, Physician to H. S. H. the Duke of Lucca.

15. Dr. Stapf, Physician to H. S. H. the Duke of Saxe-Meiningen.

17. Dr. Weber, Physician to His Majesty the King of Hanover.

18. Dr. Tessier, Physician to the Empress Eugenie of France.

HOMŒOPATHIC HOSPITALS AND DISPENSARIES.

London Homœopathic Hospital, 200 beds.

Metropolitan Homœopathic Hospital.

Homœopathic Hospital of Moscow.

Infantry Homœopathic Hospital at St. Petersburg.

Gumpendorf Hospital, Vienna.

Homœopathic Hospital, Turin.

Miskoltz Homœopathic Hospital, Russia.

Homœopathic Clinique, Leipzig.

Homœopathic Wards in Hospital Beaujon, Paris.

Calcutta Native Hospital.

Homœopathic Hospital at Leipzig.

Sisters of Charity Hospital, at Vienna.

Leopoldstadt Hospital, at Vienna.

Sisters of Charity, at Linz.

Hospital of Gyongyos, Hungary.

Hospital of Guns, Hungary.

Hospital at Kremiseir, Russia.

Hospital at Nechanitz, Russia.

Hospital at Nishni-Novogorod, Russia.

Hospital at Cronstadt, Russia.

Berlin Homœopathic Hospital.

Mississippi State Hospital.

Protestant Half Orphan Asylum, N. Y.

Brooklyn City Orphan Asylum.

The statistics of 21 Allopathic and 17 Homeopathic Hospitals in Europe, under the patronage of the several governments, running through a series of years, show the average mortality to be as follows :

In Allopathic Hospitals, a fraction less than 12 per cent.

In Homeopathic, a fraction less than 6 per cent.*

In one Hospital, for example, in Hungary, during five years of Allopathic treatment, there were 622 cases and ninety deaths, nearly 16 per cent.

During 11 years of Homeopathic treatment, in the same Hospital, there were 1522 cases treated, and 142 deaths, about 9 per cent., making a difference of 7 deaths in every 100 cases against the old school.

The highest mortality in any year of homeopathic treatment was less than the lowest of the allopathic.

*EUROPEAN ALLOPATHIC HOSPITALS.

Place and name of Hospital.

	Per cent. Mortality.
1. Berlin, Charité, 1833-9,.....	10 to 11
2. Breslau Zu Allerheiligen, 1838,.....	17 " 18
3. Leipzig, Jacob's Hospital, 1839,.....	11 " 12
4. Stuttgart, Catharininen, 1830-36,.....	3 " 4
5. Strasburg Forget's Clinique, 1826-63,.....	14 " 15
6. Hamburg, Allg. Krankenhaus, 5th Report,.....	6 " 7
7. Munich General Hospital, 1832,.....	7 " 8
8. Milan Great Hospital, 1814,.....	15 " 16
9. Palermo " 1823,.....	12 " 13
10. Brussels, St. Peter's Hospital,.....	11 " 12
11. St. Petersburg, Civil, 1837,.....	20 " 21
12. " Soidnitz, Clinique, 1840,.....	12 " 14
13. Vienna General Hospital, 1834,.....	12 " 14
14. " Brothers' of Charity, 1838,.....	9 " 10
15. " Elisabetherinnen, 1838,.....	5 " 6
16. Edinburgh Royal Infirmary, 1818,.....	6 " 7
17. London, St. George's, 1850-55,.....	16 " 19
18. Lyons Hotel Dieu, 1837,.....	12 " 14
19. Paris " 1836,.....	9 " 10
20. " St. Marguerite, 1851-3,.....	11 " 12
21. " Val de Grace, under Broussais, 1819,.....	7 " 8
Average,.....	11 to 12

EUROPEAN HOMOEOPATHIC HOSPITALS.

Name and place of Hospital.	Cases treated.	Deaths.	Per cent
1. Sisters of Charity, at Vienna, 1834 to '56,.....	17,512	1,067	6 2-10
2. " " at Linz, 1843-4-55,.....	9,129	501	5 5-10
3. Hospital at Gyongyos in Hungary to 1855,.....	1,533	142	9 3-10
4. " at Gun " to 1841,.....	206	8	2
5. " at Kremsier 1846 to '48,.....	1,520	94	6 1-10
6. Leopoldstadt Hospital at Vienna, 1850-4,.....	3,729	211	5 5-10
7. Hospital at Neuchâtes, 1846-48,.....	394	10	2 5-10
8. " Niabni-Novogorod in 1856,.....	249	12	4 8-10
9. " at Leipzig, Prussia,.....	4,402	188	4 1-10
10. Infantry Hospital at St. Petersburg,.....	297	16	5

In the London *Homeopathic Hospital* the average per cent of deaths was $4\frac{1}{2}$. In St George (Allopathic) Hospital, 18 per cent. In the Convent of Refuge, at Marseilles, a statistical table of all cases treated since its foundation shows, during the 8 years of allopathic treatment: cases treated, 1,851; number of deaths, 102— $5\frac{1}{2}$ per cent. During the 5 years of homeopathic treatment, cases treated, 1,662; deaths, 49— $2\frac{9}{10}$ per cent.*

It is sometimes said that though homeopathy may do for children and for trifling diseases, in the more grave and fatal complaints the large Allopathic dose are required.

In answer to this suggestion we will introduce a table of

Name and place of Hospital.	Cases Treated.	Deaths.	Per cent.
11. Marenzeller's Experiments at Military Hospital at Vienna...	38	1	2.7-10
12. Hospital at Moscow in 1854.....	166	8	4.8-10
13. Herman's Experiments at the Military Hospital at Tulzen..	147	6	4.1-10
14. London Homeopathic Hospital, 1850-55.....	1,173	55	4.6-10
15. Boratti's Experiments at Naples, 1829.....	63	3	3
Sum total.....	30,911	2,314	5.7-10

We show that many of the cases were of the more severe and dangerous diseases, the Specifications of the Gumpendorf Homeopathic Hospital of Vienna, in charge of the Sisters of Charity, is subjoined:

Diseases.	Cases.	Deaths.	Per cent.
Diarrhoea of all kinds.....	323	3	1
Inflammation of Lungs.....	1,058	48	4.1-3
Typhus Fever, (Abnormal).....	3,165	368	11.3-4
Erysipelas.....	514	4	4.5
Inflammation of Joints.....	888	7	3.4
Ophthalmia.....	130	One uncured.	
Intermittent Fever.....	1,036	9	9-10
Gastro Fever.....	1,181	7	2-3
Rheumatic Pericarditis.....	15	0	
Small Pox.....	194	14	7.1-3

These results compare most favorably with any Hospital Reports ever made, and their accuracy cannot be questioned, since this Hospital is under strict Governmental supervision, and is constantly visited by Allopathic Physicians. It is under charge of Dr. Fleischmann, assisted until within a few years by Dr. Caspar, and the accuracy of their diagnosis no one will dispute.

*Dr. Chargo, of Marseilles, France, has lately published a Statistical Table of the Mortality occurring in the Convent of Refuge since its foundation in 1842, up to 1864:

ALLOPATHIC.				HOMEOPATHIC.			
Years.	Cases.	Deaths.	Per Cent.	Years.	Cases.	Deaths.	Per Cent.
1841	143	10	7	1850	328	5	4.4-10
1842	138	17	12.3-10	1851	318	10	3.1-10
1843	189	13	6.9-10	1852	322	13	3.7-10
1844	296	9	4.1-10	1853	334	10	3.0-10
1845	248	10	4.4-10	1854	380	12	3.2-10
1846	274	15	5.4-10				
1847	327	14	4.2-10				
1848	325	14	4.3-10				
	1,851	102	5.1-10		1,662	49	2.9-10

Average Homeopathic mortality, $2\frac{9}{10}$ per cent.

Average Allopathic mortality, $5\frac{1}{2}$ per cent.

these grave diseases treated in the Hospital Ste. Marguerite, at Paris. In 1849, 1850 and 1851 this Hospital was divided between Allopathic and Homeopathic Physicians, treating their cases side by side at the same time. Dr. Tessair was the Homeopapist in charge. In the Homeopathic wards, during these three years, there were treated, by Homeopaths, 4,655 cases, with a mortality of 8½ per cent; by Allopathists, 8,724 cases, with a mortality of 11 3-10.

Of the dangerous diseases, to wit:

	Homeopathic.	Allopathic.
<i>Pnumonia</i> (infl. of lungs) the mortality was as follows.....	5 7-10 p. c.	24 p. c.
<i>Pleuritis</i> (Pleurisy)	3	13 "
<i>Peritonitis</i>	4	13 "
<i>Dysentery</i>	3	22 "
<i>Typhus Abdominalis</i>	15	19 "

Finally, in the *Homeopathic* European Hospitals, as reported by Dr. Ruth, in a work published in London in 1852, the summary shows the average mortality in all diseases, to be 4 4-10 per cent.; and in *Allopathic* European Hospitals, 8 5-10 per cent.

In the three great Hospitals of Massachusetts, of New York and the Bellevu Hospital, the average mortality is 10 per cent., as appears by the official reports.

YELLOW FEVER.

The Mississippi State Hospital, at Natches, is now under Homeopathic treatment.

While under Allopathic treatment, of Drs. L. P. and E. M. Blackburn, the average mortality was 55 per cent.

Under Drs. Holcomb and Davis, Homeopaths :

In 1853, cases treated, 555—deaths, 83

" 1854, " 112 " 00

" 1855, " 349 " 22

1016 55—per cent., 5 4-10.

Thus, Allopathic mortality, 55 per cent.

Homeopathic mortality, 5 4-10 per cent.

In Rio de Janiero, Dr. Martin (Homeopathist) treated 3550 cases, lost 227—7 per cent.

In New Orleans, Allopathic mortality 20 to 30 per cent.

In Barbadoes, 50 per cent.

TYPUS FEVER.

In the Vienna General Hospital, (Allopathic,) the deaths were an average of 21 6-10 per cent.

In the Paragua Hospital, 2d division, the experiment was tried of expectant or do-nothing treatment—average mortality 17 5-10 per cent.

In the Vienna Homeopathic Hospital. the average per cent. of mortality was 10 6-10.*

Thus it stands in Typhus fever :

Allopathy, out of every 100, lost over.....21
Expectant, or do-nothing treatment, lost over.....17
Homeopathic lost.....10

Homeopathy saved seven out of every hundred, who would have died without any treatment, while under allopathic treatment, four died who would have recovered had nothing been done; and eleven died who would have recovered under the homeopathic practice.

*The following statistics are taken from a work entitled "Comparison of Homeopathy and Allopathy, by Dr. Caspar, Physician to the Hospital of the Honorable Sisters of Charity of Vienna: Vienna and Olmutz, 1856:"

STATISTICS OF TYPHUS FEVER.

1st. ALLOPATHIC—In the Vienna General Hospital :

	Cases.	Deaths.	Per cent.
1850,.....	872	144	16 5-10
1852,.....	461	183	27
1853,.....	1,119	269	23 1-10
	2 452	596	21 6-10

2d. EXPECTANT, (Do-nothing)—In Second Division of Prague Hospital :

	Cases.	Deaths.	Per cent.
1849,.....	123	27	20 4-10
1850,.....	95	14	23 5-10
	228	40	17 5-10

3d. HOMEOPATHIC—In Vienna Homeopathic Hospital :

	Cases.	Deaths.	Per cent.
1850,.....	81	9	11 1-10
1851,.....	80	10	12 5-10
1852,.....	121	11	9
	282	30	10 6-10

General average of *Homeopathic Hospital* treatment

of Cholera—loss of 27 per cent.
 And of Allopathic—loss of 54 “

In the cholera epidemic of 1849, at Cincinnati, the average mortality in *Hospital practice* was over 60 per cent, and in private practice between 30 and 40 per cent.

The 11 Homeopathic Physicians then resident in that city treated 2,410 cases of cholera, and lost 85 in all,—just 3 per cent. Out of 104 families belonging to the congregation of Rev. B. F. Barrett, as reported by that gentleman *from actual personal visits and inquiry after the epidemic had ceased*, 86 families used and relied on Homeopathic treatment; 13 used and relied on Allopathic, and 4 Eclectic treatment. The 86 Homeopathic families numbered 416 persons, and had 160 cases of cholera. The 13 Allopathic families numbered 74 individuals, and had 25 cases of cholera. Of the 160 cases treated Homeopathically *one* only died—a mortality of two-thirds of one per cent. Of the 25 cases treated Allopathically five died—a mortality of 20 per cent.

These, both the allopathic and homeopathic families, all belonged to the higher classes, who were temperate, prudent, and able to take the best care of themselves, and improve the earliest opportunities to call in aid. The homeopathic families *nearly* all used the homeopathic medicines as prophylactics, or preventives, and these when attacked were more easily cured; while the allopathic families, if they did use the ordinary preventives of that school, as stimulants and the like, were less susceptible to the influence of remedies.

CHILDREN.

In Lake & Watt's orphan asylum, of N. Y., (allopathic) from 1852 to 1854 inclusive, they had 2213 children, of whom 41 died—1 in 54.

In the Protestant Half Orphan Asylum, N. Y., (homeopathic) from 1852 to 1854 inclusive, (same time) they had 3,075 children, of whom 21 died—1 in 146. Showing a ratio of mortality

under allopathy, as compared with homeopathy, as $2\frac{1}{2}$ to $\frac{1}{2}$ of one per cent.*

Finally, we find in summing up the whole matter of *Hospital* practice that in all diseases where the Allopathist loses an average of.....11 to 12 per cent.

The Homeopathist loses 5 to 6 "

In *Asiatic Cholera* where the Allopathist loses 54 "

The Homeopathist loses.....27 "

In Pneumonia (inflammation of the lungs),
where the Allopathist loses.....14 to 24 "

the Homeopathist loses..... 5 to 6 "

In typhus fever where the Allopathist loses..21 to 23 "

" " the Homeopathist loses.....10 to 11 "

In yellow fever where the Allopathist loses..50 to 55 "

In " " the Homeopathist loses..... 5 to 7 "

* The Homoeopathic Statistics in regard to adults in general, and individual diseases having been shown, the results of that treatment in the affections to which childhood is peculiarly subject will now be considered. The "Report of Homoeopathic treatment in the Protestant Half Orphan Asylum of New York," by D. F. Bowers, is referred to. The number of children in this several asylums being taken from a table furnished by A. Gilbert, Esq., from the Reports made annually, under oath, to the Board of Education of the State of New York:

LEAKE AND WATTS' ORPHAN ASYLUM—ALLOPATHIC.

	Whole No. of Children.	Deaths.	Mortality.
For 10 years ending 1852,.....	1,688	23	1 in 73
For the year 1853,	262	12	1 in 22
" 1854,.....	263	6	1 in 44
	2,213	41	1 in 54

PROTESTANT HALF ORPHAN ASYLUM—HOMOEOPATHIC.

	Whole No. of Children.	Deaths.	Mortality.
For 10 years ending 1852,.....	2,543	21	1 in 121
For the year 1853,	676	0	
" 1854,.....	257	0	
	3,076	21	1 in 146

The "NURSERY," at Randall's Island, under Allopathic treatment:

Years.	Whole No. of Children.	Deaths.	Mortality.
1853,.....	3,040	40	1 in 30
1854,.....	2,090	208	1 in 13
1855,.....	2,378	202	1 in 11
1856,.....	2,021	96	1 in 21
	10,129	546	1 in 17

The "HOME FOR THE FRIENDLESS," under Homoeopathic treatment?

Years.	Whole No. of Children.	Deaths.	Mortality.
1853,.....	240	6	1 in 41
1854,.....	280	12	1 in 23
1855,.....	200	5	1 in 73
1856,.....	206	9	1 in 63
	1,210	30	1 in 40

Showing the ratio of mortality under Allopathic treatment, as compared with Homoeopathic, to be $2\frac{1}{2}$ to 1

Or a mortality of 5 to 10 per cent. among those treated Allopathically.

" " 2 to 10 " " " " Homoeopathically.

In Orphan Asylums where the Allopathist loses 24-10 per cent.

In " " the Homeopathist loses... $\frac{1}{3}$ of 1 "

In private practice of cholera cases where the

Allopathist loses.....30 to 40 "

The Homeopathist 3 to 7 "

These statistics are all taken from official documents in the possession of your Committee, and are perfectly reliable.*

In conclusion;

When we consider the fact that, according to the United States Census statistics of 1850, over 75 per cent of all the deaths were children under five years old, in connection with the fact that up to that date only a small number of Homeopathic Physicians had been in practice in this country, together with the fact shown by official statistics that the mortality among *children* under the old practice is nearly three times that under Homeopathy (as $2\frac{2}{3}$ to $\frac{1}{3}$ of one per cent), when we consider that in violent and dangerous diseases the mortality under Allopathy is from two to ten times as great as under Homeopathy, when we consider that under Allopathy the duration of disease is nearly double, in all cases, what it is under Homeopathy, and the expenses attending it are nearly twice as great;† when we consider the value of human health and human life and the deep interest all feel in them and in the means of promoting the one and saving the other, is it surprising that we should demand that while we provide largely for education in the less successful mode, a part of the advantages of such provision should be devoted to instructions in that practice which

* The authorities for the European Hospital Reports are to be found in the following works:

Knolz's "Charitable Institutions" of Vienna.
Grisarich's Hygiea.
Closs' Statistics the of Catherinnen Hospital at Stuttgart.
Journal Imp. Med. Chir. Acad. of St. Petersburg.
British Journal of Homoeopathy.
Allg. Hom. Zeitschrift.
British and Foreign Medico-Chirurgical Review
Nouvelles Archives.
Oesterreich Zeitschrift.
Homoeopathische Vierteljahrsschrift.
Stepf's Archives der Hom. Heilk.
North American Journal of Homoeopathy.
Neue Zeits für Hom. Klinik.

† The duration of Pneumonia was particularly noted by Drs. Templer, Henderson, Dietl, and Louis, whose authority has already been given.

These show the mean duration of Pneumonia to be, under Homoeopathic treatment, 11½ days; Allopathy, 29 days; Expectant, 28 days.

has been crowned with the greatest success, and is the result of a science founded upon a natural law as certain and invariable as that which attracts the falling apple to the earth, or points the needle to the polar star.

While we will not say that the old practice does not often cure disease, it cannot be denied that its administration is frequently an uncertain experiment, fraught with more or less danger to the life or future health of the patient, and, occasionally followed by fatal effects. On the other hand, abundant and overwhelming testimony of the past, and every day's experience and observation of thousands among the most intelligent, at the present time, lead to the irresistible conclusion that Homeopathy does remove disease more readily, and that, too, with far more certainty than the other system, while all agree that its administration is attended with no danger, even to the most feeble and sensitive constitutions.

Its philosophy is founded upon a natural law of the relation of drug action to human organization and vital functions. It is true, it is uniform and beneficent in its results. Its patrons, who demand its recognition and establishment in the University, are largely from the most intelligent and respectable classes everywhere. Confidence in its efficacy and success, and a settled conviction of its truth, has spread, especially among the higher classes, with a rapidity unparalleled in the history of medicine, and it has long since ceased to be looked upon as an experiment; but is recognized as a settled and distinct science.

Why, then, any longer withhold it from the students of our State University? Why oblige such as seek for its truths and a knowledge of its practical application in their efforts to relieve from distress and save life, to go to distant States at great expense to obtain them? Why not open the halls of our College to these great truths that so deeply interest us all?

Entertaining implicit confidence in the justice and propriety of the measure contemplated in the Bill, the Committee report it back without amendment and recommend its passage, and ask to be discharged from further consideration of the subject.

B. L. HILL, *Select Committee.*

[No. 26.]

REPORT of Committee on Ways and Means, in reference to providing the means for the redemption of the Bonds of the State maturing January 1, 1863.

The committee on ways and means, to whom was referred the Senate bill to provide the means for the redemption of the bonds of the State, maturing January 1, 1863, have had the same under consideration, and have instructed me to report :

That the bill proposed by that body is simply a bill to continue the debt of the State at its present amount, and pay the same for twenty years longer. It does not at all contemplate the gradual, or even the ultimate extinguishment of the debt ; and should the bill pass in that form, there is scarcely a possibility that, at the end of the next twenty years, the State debt would be any smaller than it now is. The bill contemplates no sinking fund, by which any portion of the debt may be provided for. This is so obviously contrary to the true interest of the State, that the committee have been unable to recommend it. In addition to these considerations, also, the provisions of the Constitution—almost, perhaps, the only good one in it—section 9, of article 14, requires the legislature to provide a sinking

fund of not less than \$20,000 a year, to be increased, annually at least five per cent., to be applied solely to the extinguishment of the debt—a provision hitherto neglected, but not the less binding upon this body, and so obviously in accordance with the true interests of the State, that the committee would deem themselves not acting up to their duty, did they fail earnestly to recommend it, for the adoption of the House. They therefore recommend that a sinking fund be provided for, not large in amount, but sufficiently large, nevertheless, to afford the people of the State the hope, and indeed the prospect, that this debt will be ultimately cleared off, and they be relieved from its burdens. This fund, the committee think, should be raised by an annual tax of one-eighth part of one mill on the dollar of the taxable property of the State, to be levied expressly for this purpose, and in addition to all other taxes. This really very slight—almost imperceptible tax—will produce at this time \$20,000, and as the taxable property of the State increases in value, that amount will increase with it. And this amount, with other moneys coming into the Treasury from the various school funds, will, if applied as the committee think they ought to be, it is believed, nearly extinguish the debt, as it shall mature. These funds are the Primary School, Normal School, and the University Funds. The annual amount paid into the Treasury, to the credit of these funds, is now \$30,000 per annum. It has been used, heretofore, to pay the expenses of the Government; and the debt due by the State to these funds has been permitted to accumulate, year by year. This, again, the committee deem to be most unwise. Experience has always shown that prudence and economy, as well as true wisdom, in the management of the affairs of the State, depends much upon the interest which the tax-payers take in the expenditures of the Government; and that interest must always depend upon the question whether they are annually called upon to provide the means—the money be expended.

Where there is a large fund which can be annually used to defray the expenses of the State, the responsibility of the Leg-

islature to the people is to that extent less than it ought to be, and the interest of the people in its action is diminished in the same degree. The true interest of both, is that the expenditures of each year and all the expenses of the government, shall be raised from the people by the yearly tax. In that case the action of the Legislature immediately affects the interests of the elector, and the public sentiment acts with correspondingly greater effect upon that body of men, and keeps them to a careful, prudent and wise economy. A large fund, therefore, to be used in defraying the ordinary expenses of the government, like the school funds, is doubly mischievous in its influence; for while it is constantly adding to the public debt, it contributes to diminish that watchfulness on the part of the people over the public expenditures which is so important to secure that responsibility which so powerfully influences the conduct of every representative body. It is not too much to say that this State is now suffering from the disregard of principles so manifestly just and so necessary to be observed.

The committee, therefore, have concluded to recommend that all the money *paid* into the treasury to the credit of these funds be added to the sinking fund and sacredly appropriated to the payment of these bonds and sinking the debt.

This will provide each year, at present, \$50,000, and more in the future to be so applied. It will not, perhaps, entirely extinguish it within twenty years, but will so far reduce it that it will be easily controlled, and shortly after entirely cleared off.

That there may be at no one time any large accumulation of money in the treasury, the committee recommend that the bonds to be issued be made payable at different periods, say \$250,000 in five, \$500,000 in ten, \$500,000 in fifteen, and \$750,000 in twenty years. This will not allow sufficient time for any amount of money, difficult to manage, to accumulate in the treasury, while the payments recurring at short intervals, will render it necessary for those who may have charge of the public affairs, to look carefully to the faithful preservation and application of these funds, to the object to which they are to be

set apart. And the committee deem it much better for this reason, that these funds should be too small, rather than too large for the purpose.

The committee, also, have instructed me to say that for the purpose of preventing the accumulation of money, the treasurer should always be authorized to use the money which may be realized from these funds, in the purchase of those bonds first falling due, at their market, or something above their market value, and if they cannot be purchased, then in calling in the temporary loan of \$50,000 made in 1858, at the earliest possible moment. They also recommend that in the intervening time between this and January, 1863, when the bonds of the State mature, the Governor and Treasurer shall have the authority to exchange any of the bonds now to be issued for the present outstanding bonds, should opportunities offer, as may very likely be the case.

In order to carry out these views it has been necessary to modify the bill referred to the Committee by several amendments, which they have made and have incorporated into the bill as amended, and herewith submit the same for the consideration of the House.

JAMES F. JOY, *Chairman.*

[No. 27.]

REPORT of Committee on the Asylum for the Insane.

The committee on the Michigan Asylum for the Insane, to whom was referred the report of the Trustees, and who were instructed to visit and examine the institution, have discharged that duty, and beg leave to submit the following report :

In the condition and treatment of the lunatic, we find a reflection of the spirit of each particular age. In earlier times, as a demoniac, supposed to be possessed of a devil, we find him the victim of torture and horrid exorcism ; or, driven forth from before the face of man, he became as a beast with the beasts of the field, an inmate of caves and dens, and when his morbid fancies so directed, a wanderer among the tombs. When superstition became somewhat refined, we find him worshipped as a divinity, his wants administered to in temples, by attendant priests, and his ravings pronounced oracular.

Still later, as outcasts, the insane were banished into the wilderness, or borne to isolated places whence return was impossible, and there left to perish. Subsequently, considerations of public peace and safety led to their incarceration in prisons and

dungeons, and at the commencement of the last century the word lunatic was associated with mad houses and brutal keepers, with chains and scourges, and everything the mind could conceive of as terrible and cruel.

A few years afterwards we find the philanthropists of England and France, without previous consultation and almost at the same moment, instituting efforts for the amelioration of their condition. The recorded results of those successful efforts are considered bright pages in the history of those countries, and jealous controversies have arisen to secure to each nation the coveted honor of priority. A new era was thus established. Institutions for the special treatment of those suffering under the different forms of mental disease were rapidly multiplied. At first, these were of course more or less incomplete and faulty in construction and organization, but under the guidance of science and humanity, and sustained by an enlightened philanthropy, they have attained a high degree of perfection, and rank as the noblest in that circle of charities, now embracing every class whose infirmities demand public aid; "restoring the wandering and dethroned reason of the insane, enlightening the dark chaotic mind of the deaf and dumb and the blind, and which has been recently completed by clothing with intelligence the hitherto neglected idiot."

Experience has established the fact, that insanity is a disease almost always susceptible of relief, and in a large majority of cases (about 80 per cent.) curable when treatment is early commenced and properly directed; also, that medical skill avails but little without the appliances of an institution especially designed and organized for the purpose. The expense of the support of the incurable insane of a community must of necessity be a heavy burden, from which relief can be expected only to the extent to which curative means can be made effective and available. Statistical research has also shown that insanity is a most prolific source of pauperism, and an official report of one of the Eastern States ranks it third in a list of causes arranged in the order of their frequency. The advantages of a policy

which provides ample curative accommodation for all the insane of a community is therefore very obvious.

In 1850 the ratio of insanity to the population in the United States was one to twelve hundred and eighty. Michigan has now a population of 757,683: taking the same ratio the number of insane in our State is about 600 (591), and we apprehend that the National Census soon to be published will show that this number is not exaggerated. It surely cannot be supposed that more than one-half of this number are already beyond hope, and we therefore know that we have within our limits this moment at least three hundred insane persons, for whom considerations of economy alone—dollars and cents—to say nothing of the peace and safety of the community or the higher motives of humanity, require that hospital provision should now exist; and yet, on the day of their visit to the Asylum, your Committee found the completed portions of the building fully occupied, sixteen male patients in a wooden carpenter shop recently converted into a ward, and all applications for admission necessarily refused or deferred.

The necessity of constructing the remaining wing at once, as recommended by the Trustees, in their report, was made but too apparent; and your committee unanimously, and without hesitation, recommend \$45,000 for the year 1862, and also the same amount for 1863.

In considering the propriety, or necessity, of an appropriation for this purpose, at the present time, it should be remembered that a ward containing twenty-five beds, will furnish, in the course of a year, to curable patients, accommodations for at least eighty. Also, assuming, as above, that there are three hundred insane in our State, proper subjects for immediate treatment, there is no less a sum than \$35,000 paid annually for their support, nearly all of which is so directed as to afford but a slight remunerative return. Your committee can perceive no particular distinction between the interests of the taxpayer as a citizen of the county, or a citizen of the State; and

in this matter, the most obtuse cannot fail to see the direct pecuniary advantage of the course recommended.

Your committee also recommend the appointment of a Chaplain to the institution, as suggested by the Board of Trustees, and also that the reports of the officers of the Asylum be published annually, instead of bi-ennially, as heretofore.

Of the building, your committee can but speak in the highest terms. Its strength, durability of material, economy in its construction, and its fitness for the purpose for which it was designed, call for our highest commendation.

Your committee feel that they would neglect an important duty if they should omit to notice the fidelity with which they believe the officers of the institution have discharged their responsible duties. Many of them, without pecuniary reward, have sacrificed their time, their only reward being the consciousness of benefitting a class of our fellow citizens of all others the most unfortunate.

Of Dr. Van Deusen we can but speak in the highest terms. The general good order, neatness, and air of cheerfulness, seemed remarkable for the demented, and in some cases, wild insanity of the inmates, and speak the highest praise of the Superintendent.

S. S. FALLASS, *Chairman.*

[No. 28.]

**MEMORIAL of the University Senate, relative to establishing
a Chair of Homeopathy in the University of Michigan.**

To the Honorable the Legislature of the State of Michigan:

The Senate of the University of Michigan, composed of the President and the Professors in the three departments, respectfully but earnestly petition, for the reasons herein set forth, that no such bill as that now pending in the House of Representatives, to establish Chairs of Homeopathy in the Medical Department of this University, be passed.

Without attempting in the least to discuss the comparative merits of the two systems of medical practice, the teachings of which would by this bill be brought into the same institution, and upon which the members of this Senate might differ in opinion among themselves, there are reasons, which to our minds are conclusive, why the system of Homeopathy cannot be made to harmonize with the instruction in a school where what is called regular medicine, or the Allopathic system, is taught.

We need scarcely remind the Legislature that the two sys-

tems differ radically, both in principles and practice. There is no similarity and can be no compromise between them. They proceed from different premises, and they take no step in the same direction. The practitioners of the one system regard those of the other as mere quacks. They do not and they cannot meet on terms of professional intimacy. They do not and they cannot meet in consultation; for consultation is with a view to agree upon and apply remedies, and the attempt would be absurd where the systems of remedies are radically different, and utterly irreconcilable in their nature. The rules of all societies of so-called regular physicians, not less than the general sentiment, amounting to law in the profession, forbid such professional intimacy; and any individual who should disregard this sentiment would be excommunicated by his brethren, and not be met in consultation. The code of professional ethics adopted by the American Medical Association, and which has been approved of and applauded by the profession in all countries, and which is recognized as binding upon all the members of that Association, and all who seek a representation in it, in one of its articles specifically states that—"No one can be considered a regular practitioner whose practice is based on an exclusive dogma;" and this is interpreted as applying to Homeopaths. From the very nature of the case, it is impossible that a similar feeling should not prevail to a considerable extent among the practitioners of the school last named.

After the most diligent inquiry, we cannot learn that there is any example of a Medical School where the two systems are placed upon an equal footing and taught together as proposed in the bill in question. We desire to call your particular attention to the investigation of Prof. Friese, a member of the Academic Department of this University, as published in the *Peninsular Journal of Medicine*, of December, 1857. He obtained direct information from every country in Europe except Russia; mostly from Homeopathic physicians; and by personal visits, examination and inquiry in all the countries except Spain. Nowhere in Europe did he find that a Professor of

Homeopathy was appointed and paid by any Government to teach the system, or that students were required to attend the teachings of Homeopaths. In only one public University—that of Munich—was any one allowed to teach the system at all, and the single Professor of Homeopathy there had no rank or voice in the faculty, no salary from the University, but simply the privilege of going into a room and lecturing to those who might choose to hear him—no student being required to listen to him, or to be examined on his subjects. In fact, the Professorship was merely honorary and nominal, and attracted scarce half-a-dozen students. We are not aware of any increase in the public teaching of Homeopathy in Europe since these investigations were made.

We have the testimony of Prof. Frieze, that in a convention with Dr. Henderson, of Edinburgh, the most distinguished of Homeopaths in Europe, the latter emphatically said that “he had reflected much on the proposed Homeopathic Chair in the University of Michigan—that he would not recommend the introduction of a Professor of Homeopathy into an Allopathic School; he regarded the teaching of two systems in the same faculty as an impossibility, because they are antagonistic, and the one must destroy the other. Nothing, in his opinion, would meet the views of those who desired to establish Professorships in Homeopathy but the institution of separate and independent colleges.”

We have the authority of another member of our Senate for saying, as the result of recent personal inquiries in Paris, London, Dublin, Edinburgh, Bourne, &c., that such an admixture in a Medical School would be regarded by those acquainted with the subject—whatever their views as to the truth of Homeopathy—as the greatest absurdity.

The American Medical Association, at its session in 1855, passed a resolution expressive of their views that such an admixture of teaching “cannot fail, by the destruction of union and confidence, and the production of confusion and disease, unsettling and distracting the minds of learners, to so far impair

the usefulness of teaching, as to render any school adopting such a policy, unworthy the support of the profession."

The students in the Medical Department of this University now number about 240. They come from all parts of the country. We take a just pride in the success of the Department; but the Legislature can readily perceive that, with the feeling prevailing, to which we have alluded, the passage of the bill in question will at once deprive the department of the patronage of the so-called regular profession, which now constitutes its principal support; and if it does not utterly destroy the department, will at least give it a blow from which it would not recover while the law should remain in force, nor for years after its repeal, if a repeal should be had.

Aside from these considerations we beg to remind the Legislature that the passage of this bill will form a precedent for other claims equally valid with that made by the Homeopathist, and to which there would be no end. The Homeopathic is not the only school of medicine in Michigan not represented in this University, nor of those not represented is it the one, as we believe, whose practitioners are most numerous. Those calling themselves Eclectics, taking the whole State together, are doubtless much more numerous. They might demand Professorships here with at least equal justice, and they would be certain to demand them if the principle were once established of admitting different systems into the department. After the Eclectics, the Hydropathists would demand a representation, and their admission would in turn open the way for the next new system which may arise, in which any of our citizens have confidence.

In our opinion, a house thus divided against itself cannot stand. To the successful teaching of young men in any department, consistency, harmony and unity are absolutely essential.

We beg, in conclusion, to remind your body that our institution is as yet in its youth, and though so far successful, it requires time to establish that success upon a firm and substantial basis. The shock of an unsuccessful experiment now

would be far more damaging than to an institution that has old traditions and a long career of success to fall back upon.

That impossibilities be not attempted; that the unity of an important department of the University be not destroyed by the action of your honorable body, your memorialists, as in duty bound, will ever pray.

Adopted unanimously by the Senate, February 21, 1861, and ordered to be signed by the President and Secretary, and forwarded for presentation to the Legislature.

GEO. R. WILLIAMS, *President pro tem.*

T. M. COOLEY, *Secretary of the Senate.*



[No. 29.]

COMMUNICATION from the Governor, transmitting the Annual Report of the Superintendent of St. Mary's Falls Ship Canal, together with a statement of receipts and expenditures.

EXECUTIVE OFFICE, }
Lansing, February 21, 1861. }

To the House of Representatives:

The Board of Control of the Saint Mary's Falls Ship Canal, acknowledge the receipt of the resolution of your Honorable Body, requesting certain information concerning the Canal, its gross receipts and expenditures. The Canal was opened June 18, 1855, and the reports of the Superintendent for the time being will furnish most of the information sought, for each year since that time. A table is herewith transmitted, showing the gross receipts up to Nov. 30, 1860, together with the expenditures for that period, so far as the same can be ascertained. The items composing the aggregate of expenditures may be found in the monthly statements required of the Superintendent, but are too voluminous to be embodied here. I take this opportunity to transmit to the Legislature the annual report of the Superintendent for the year 1860. Also a statement of receipts and expenses from the books of the Auditor General's office.

AUSTIN BLAIR.

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ANNUAL REPORT of the Superintendent of the St. Mary's Falls Ship Canal.

**ST. MARY'S FALLS SHIP CANAL OFFICE, }
December 20, 1860. }**

To his Excellency, MOSES WISNER, Governor of Michigan:

In accordance with the provisions of the law, I have the honor to make this, my annual report, for the year 1860.

There was a wide-spread apprehension on the part of those persons interested in the Lake Superior trade, that in consequence of the improvements then in process of being made, that the opening of the Canal would be delayed to so late a period, that much inconvenience would be experienced, but their apprehension proved to be unfounded.

The contractors, Messrs. Holmes & Clark, manifested a determination from the outset, to accomplish the work within the time prescribed, and by great personal effort and liberal outlay of means, had so far progressed with the work as to make it safe to introduce the water into the Canal by the 10th day of May, and on the 11th boats were successfully passed through the Canal.

Since that time nothing has occurred to interrupt the navigation to its close, which took place on the first of December.

The results of this year's operations have more than realized the expectation of those persons interested in the success of the St. Mary's Falls Ship Canal, and have most abundantly vindicated the wisdom and sagacity of the projectors of this important national work.

It was confidently predicted that this year's business would exhibit a large improvement in all the valuable interests connected with and depending upon the proper management of this great work, but few were prepared to witness the amazing results which have been accomplished.

By consulting the following tables, the amount received from tolls and from other sources, will be seen, as well as the disbursements and amount deposited in bank to the credit of the Canal Fund:

1860.

Cash on hand,.....	\$ 638 32
May. Received from Clark & Holmes,	161 66
" " " Stone,	5 00
" Received for tolls,.....	2,712 88
June. " "	5,506 97
July. " "	5,878 26
Aug. " "	5,228 26
Sept. " "	1,979 49
Oct. " "	2,007 64
Nov. " "	1,847 00

\$25,464 98

Of this amount, there has been deposited as follows:

1860.

May. Deposited in bank,.....	\$1,400 00
June. " "	3,400 00
July. " "	4,200 00
August. " "	5,000 00
September. " "	995 00
November. " "	880 13

\$15,875 13

There has been expended on the embankment during the season, \$1,758 87 but this is not all that is properly chargeable to this account, as the men employed to operate the locks were required to labor on the embankment, when not otherwise engaged, and by this means a large amount of earth was moved to strengthen the embankment. \$1,000 00 would not be too large a sum to be subtracted from the amount charged as paid out for wages and charged to the embankment account.

Ten thousand square yards of earth have been added to the embankment this season, which has cost at the rate of 25 cents a yard.

There has been paid out for salaries and wages for labor, \$5,988 34, less \$1,000 00 charged to embankment. \$1,044 38 has been paid for repairs to the piers, painting the gates, snubbing-posts and towers, ropes, oil and other materials necessary to keep the entire work in good order, leaving in the office at the close of navigation, \$799 89.

RECAPITULATION.

Cash received from all sources.....	\$25,464 98
" deposited in bank,.....	\$15,875 18
" on embankment,.....	2,758 87
" salaries and wages,.....	4,988 34
" expenses,.....	1,044 38
" in the office,.....	799 81
	<hr/> \$25,464 98

But as this canal, and the commercial interests connected with it, are destined to occupy so important a relation to the general interests and prosperity of the State, as well as to affect very materially the industrial and commercial interests of the adjoining States, I have so arranged the statistics as to show their increasing importance, and thus attract the attention of capitalists to the inexhaustible riches deposited upon the shores of Lake Superior.

Previous to my charge of the canal, there had been no estimate made of the value of the exports and imports of the Lake Superior trade, and it is therefore impossible to know the ratio of increase from the beginning; but for the last two years there has been as accurate an estimate made as the nature of the case will admit of. It is undoubtedly sufficiently so to aid in approximating very nearly to correct results. A comparison of the gross receipts of the canal for each year, will indicate, in some degree, the growth of this trade.

For the year 1855 there was collected \$4,374 66

"	"	1856	"	"	7,675 78—gain of 73 p. c.
"	"	1857	"	"	9,406 74 " 24 "
"	"	1858	"	"	10,848 80 " 15 "
"	"	1859	"	"	16,941 84 " 56 "
"	"	1860	"	"	24,660 60 " 44 "

There was in 1858, in round numbers, 82,000 tons of iron ore.

"	"	1859,	"	"	70,000—gain 102 pr. ct.
"	"	1860,	"	"	120,000 " 71 "

Of copper in 1859, not far from..... 6,500 tons.

"	"	1860,	"	" 9,000—gain 38 per ct.
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Flour in 1859, 39,459 bbls.; Coarse grains, 1859, 71,738 bush.

"	1860,	50,250	"	"	1860, 133,437 "
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Butter, 1859, 343,421 lbs; Merchandise,... 1859, 10,134 tons.

"	1860,	400,610	lbs;	"	1860, 12,250 "
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Cattle, 1859, 2,031 head; Machinery,... 1859, 927 "

An annual average increase of..... 42 "

"	1860,	2,818	head;	"	... 1860, 1,398 "
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Engines and boilers, 1859,..... 17

"	"	1860, 24
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And as an exhibition of the capacity of the people of Lake Superior to consume a staple product of Detroit, I will mention the article of liquor and beer. There was consumed of this valuable article in the year

1859,..... 7,312 barrels; malt..... 1859, 285,712 pounds.

1860,..... 9,317 " " 1860, 309,864 "

The total value of imports and exports, 1859,.... \$ 9,827,404 60

"	"	"	"	1860,.... 12,158,865 94
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Of this amount about two-thirds are imports, and one-third exports, consisting of copper, iron ore, fish, furs, &c.

This will appear at first to be a bad showing for this trade, as the imports are so largely in excess of the exports; but when properly considered, it indicates a most promising prospect for the future. The great interests of this region are, as it were, in their inception, and in process of development; and during this stage of the enterprise, it must appear obvious that

the outlay must necessarily much exceed the product. Towns are springing up as by magic, and the nature of mining is such that a large expenditure is necessary before any returns can be realized. Several new mining enterprises have been commenced this season, and many old companies have been encouraged to very much enlarge their operations, and with that view, have introduced large amounts of machinery, and made other valuable improvements.

The question of the reliability of the iron ore and copper of Lake Superior, as a permanent business, is most emphatically answered by this year's product, and the amount to be produced in future is only to be determined by the amount of capital invested.

The total amount of tonnage for 1859, was 352,642 tons, and in 1860, 410,088 tons.

The quantity of iron ore shipped this year would have been much larger, had it not been for the great advance in freights, occasioned by the immense amounts of grain accumulated at Chicago; and the want of facilities for transporting the ore is the only discouraging feature in regard to this interest, as the low rates of freight for some time past has operated to discourage the building of vessels, to any considerable extent, which, with the disasters of the past season of navigation, involving the loss of a large number of vessels, will necessarily limit these facilities, and consequently the amount of iron ore which otherwise would be brought into market.

The estimates of those best acquainted with this trade, fix the amount as high as two hundred and fifty thousand tons for the next season; but I very much doubt that sufficient shipping can be commanded to transport this quantity, for it would require one hundred vessels to be constantly engaged, to accomplish it. The agricultural capabilities of this region have also been pretty thoroughly tested, and the fact has been demonstrated, that no portion of our noble State offers greater inducements to the enterprising farmer, than the Upper Peninsula. A ready market, at high prices, can be relied upon, for all such

articles as can be grown in that latitude ; and as an instance to illustrate the truth of this remark, an individual residing upon Portage Lake, has this year grown 4,000 bushels of potatoes, which are worth, at his door, one dollar per bushel.

The rapid growth of this trade, and consequent increase in the amount of tolls collected, will suggest the propriety of initiating the policy of reducing the rate of tolls, as, at the rate heretofore realized, the sum collected will be more than sufficient for the legitimate uses to which this fund may be applied. It would be unwise to make so great a reduction as not to provide for every possible emergency, as it is important that the utmost efficiency should be maintained, and every facility afforded to the interests connected with this Canal.

If the annual receipts could be kept up to the mark reached this year, a sufficient fund would be furnished for the ordinary expenses, as well as the interest on the canal debt, and provide a sinking fund to meet the principal when due. The amount charged for the past season has been six cents per registered ton for all classes of vessels. I think five cents per ton for the ensuing season will produce the required sum, and would, therefore, recommend that that figure be adopted.

I would recommend a careful revision of the rules and regulations for the Canal, and that full authority be vested in the Superintendent for their enforcement. A great many questions arise, growing out of conflicting claims of vessels as to precedence, &c., and the decision of the Superintendent should be final. Stringent laws should be adopted to prevent injury to piers and locks, otherwise that valuable work will be gradually destroyed.

In my last report I dwelt at considerable length upon the importance of removing certain obstructions which exist in the channel leading to the locks at the east end of the Canal. These obstructions consist of an old dock, with some additions which have lately been made to it. This dock is clearly within the limits of the grant made by Congress to Michigan for the purposes of a canal, and project so far into the river as to make

it very difficult to enter the canal under certain circumstances. The embarrassment consequent upon the existence of this impediment will be more and more serious as vessels multiply, and the business of the Canal increases.

Legal proceedings have been instituted with a view of settling the controversy between the individuals claiming the dock and the State, but have not yet been determined.

The attention of the proper officer should be immediately called to the subject, and a final decision be had.

All of which is respectfully submitted.

SAMUEL P. MEAD,
Superintendent.

*Statement of Receipts and Expenditures of the St. Mary's Falls
Ship Canal, from June 18, 1855, to Nov. 30, 1860.*

	Receipts.	Expenditures.
1855	\$ 4,377 66	\$11,214 48
1856	7,575 78	
1857	9,406 74	
1858	10,848 80	4,671 88
1859	16,941 84	5,759 24
1860	25,464 98	8,791 54

AUDITOR GENERAL'S OFFICE, }
Lansing, February 16, 1861. }

Statement of receipts of Sault Ste. Marie Canal tolls, and of expenses of the canal paid from the State Treasury, as appears from the books in this office :

Total amount paid into State Treasury of tolls,..... \$35,044 34

Expenditures are—

1852.

Dec. 31. To C. P. Bush, for services and expenses,.....\$ 170 00

1853.

Jan. 31. A. Canfield, engraving, &c., 85 33

May 31. A. S. Wadsworth, locating lands,..... 316 50

1854.

Aug. 31. K. S. Bingham, mileage, &c.,..... 182 40

Whitney Jones, " 108 40

Sept. 27. S. M. Holmes, " 147 40

Nov. 30. Detroit Daily Times, &c., printing and advertising, 254 00

1855.

May 31. John McKinney, services and expenses,..... 108 65

June 30. H. Greeley, &c., advertising, 533 44

John McKinney, services and expenses,..... 123 00

Daniel L. Case, " " 123 00

July 31. Joel Gray, engineer, 123 00

John McKinney, services and expenses,..... 123 00

Aug. 31. John Burt, engineer,..... 123 00

Sept. 30. Hosmer & Kerr, printing and advertising,..... 10 50

Nov. 30. Detroit Daily Advertiser, printing and advertising, 307 75

1856.

Jan. 31. Daniel L. Case, services and expenses,..... 192 00

May 31. John McKinney, " " 195 00

Moses Wisner, " " 354 00

June 30. G. B. Converse, register's fees,..... 7 00

Sidney Persons, advertising, 9 00

John McKinney, services and expenses,..... 123 40

Daniel L. Case, " " 123 40

Oct. 31. J. B. Walton, engineer,..... 2,397 61

Nov. 30. Wm. H. C. Lyon, } Expenses examining title to lands in { 50 00

J. W. Toms, } Hamilton mortgage, { 65 00

Barns, French & Way, printing and advertising, 15 25

1861.

Jan. 31. J. B. Walton, engineer,..... 504 72

\$9,151 44

add Clark & Holmes, \$30,275 00.

Very respectfully,

JOSEPH M. J. A.,
Supt. Engineer.

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| No 30 |

MEMORIAL of Wm. Woodbridge, D. Thompson, F. E. Eldred, N. W. Brooks, Porter Kibbee and others, tax payers of the City of Detroit, praying for relief against taxes and other burthens in the Ninth Ward of Detroit.

To the Honorable the Senate and House of Representatives of the State of Michigan :

The undersigned, citizens of Michigan, and husbandmen, freeholders, or cultivators of the soil, residing in that part of the county of Wayne, which recently constituted a part of the political township of Springwells, ask leave, renewedly, but respectfully, to say to your honorable body, that they feel greatly aggrieved by the operation of the act of the 12th of February, 1859, entitled "an act to enlarge the corporate limits of Detroit." By that act, without their agents, your memorialists, and the agricultural district in which they live, have been placed under the rule of the municipal corporation of Detroit, and made subject to all its stringent, arbitrary and despotic ordinances, and unjust exactions; they humbly, but earnestly pray, that they may be relieved from these great and unjust oppressions, by a repeal of said act.

Accustomed, in times past, to the blessings of a *free* government, where, performing *all* his moral and political duties, man has deemed the master, as well of his own actions as of his own property, your memorialists find it *hard* to reconcile themselves to a system of polity so *unusual*, so *intrusive* and so *despotic* as that to which they have been so unwillingly made subject.

We do not desire to annoy your honorable body by a specification in detail of *all* the inconveniences, the exactions, and the wrongs which have been brought upon us; they are precisely such as *naturally* result from the grant, or the assumption of *such broad discretionary* powers as purport to be vested in the functionaries of the corporation—powers which know *no* limit but the *will* of the possessors, or the impulses of the time and the occasion. *All past* experience demonstrates that *such* powers are *always* subject to be abused, and that while they furnish occasion for undue favoritism, they are too often perverted to purposes of grasping rapacity, and are made the instruments of unjust exactions, or of vindictive persecutions. “Discretion,” it has been most truly said, “is the law of tyrants!” And yet, in that *studied* and *shrewdly* prepared form of government, called the “Revised Charter,” your memorialists are pained to perceive, as they think, a greater number, a greater variety and more dangerous powers of this description—powers of *unlimited discretion*, and of unqualified *despotism* that can be found grouped together in the organic law of any known municipal government in Christendom!

This “Revised Charter,” which, with much labor and by the aid of their professional advisers, had been concocted by the rectors of the city, received the sanction of the Legislature but a short time before the passing of the act to enlarge the limits of the city (of which your memorialists complain), and before its provisions could be fully known to those upon whom they were afterwards made to operate. But when first your memorialists became apprised of them, they looked forward, with fearful foreboding, to the great evils which their enforcement por-

tended. They made known their repugnance at being thus transferred, like the abject subjects of the despotisms of Europe, to a jurisdiction which is alien to them, and between whose inhabitants and those of this rural district there was so little affinity, so few interests, or pursuits, or habits, in common, and greatly deprecated the passing of the act objected to, and under the operations of which your memorialists, with other residents of this district, would become exposed to all those fearful evils that "Revised Charter" was so obviously calculated to occasion. They made haste, therefore, and before the practical development of those obnoxious provisions of the charter, to cause their respectful memorial (in which they pray that the obnoxious act of February 12, 1857, be repealed; or, that the charter, so far as regards this rural district, be essentially and radically changed; and that those extraordinary and unlimited discretionary powers, which the charter purports to grant, be absolutely revoked), to be laid before the Legislature of 1859. But it was late in the session of that body; the relative position of the memorialists was misunderstood; their motives were stigmatized; the great evils which they deprecated were manifestly thought to be imaginary, and gross deceptions were practiced. The prayer of the memorialists was rejected. Nearly two years have since elapsed; the provisions of the "Revised Charter" have been more fully developed, and the evils which were apprehended have descended upon the people of this district with a crushing and ruinous force. It is now no longer a problem to be solved: no freeholder, no occupant of a farm in this rural ward, while subject to the annoyances, exactions, assessment-warrants and enormous taxes imposed, can live as a farmer, and at the same time discharged the overwhelming burthens imposed upon him by his rapacious rulers. The farms, of which (as will be seen by reference to Greeley's authenticated map of this region), the entire ward consists, are, by force of the causes alluded to, fast being rendered absolutely worthless—as farms, they can no longer be occupied without ruinous loss—as city lots, they are not and cannot be wanted, while thousands of lots

and sites for buildings, within the ancient limits of the old city, remain unoccupied and vacant; and while in the meantime, as official statistics seem to show, the city rather recedes than advances in point of population. In the market there is no demand for these lands while these causes of depreciation continue, and if there were—in the existing derangement of the currency of the country and the general diminution of funds—there can be no inducement to purchase them. And how, under the exorbitating operations of those who govern the corporation, could these things be otherwise? The people of this rural ward are compelled to pay taxes for the embellishment of parks, for the lighting of the streets, for sustaining a Board of Police, and for many other purposes, appropriate enough, perhaps, to the central part of the old city, but in which the newly added wards can have no manner of interest. Their substance is taken from them for the construction of sewers of immense expense, for the building of magnificent structures and other public works in those central parts of the city, such as a fondness for ostentatious display may delight in, but which bring no earthly benefit to the citizens of the newly added and rural wards. The people of these new wards, by the course of taxation pursued, are forced also to contribute for the payment of the old debts of the city—debts contracted principally for moneys obtained many years ago on loan, and now amounting to many hundred thousand dollars—in the contracting for which loans, and in the disbursement of which moneys, they took no part or had no interest.

But not only are most of the objects to which these taxes are applied, such as in no wise benefit the people of these newly added wards; but the process, also, of assessing, is, in the opinion of your memorialists, equally obnoxious to censure; and in this especially, that the lands in these wards seem not to have been assessed in reference to their actual condition as farms, as, according to the just reading of the Constitution, it is claimed they ought to be; but, on the contrary, upon the visionary and hypothetical supposition that they have been converted

into building lots, or a great and thriving city magically built over them, and thus the amount of taxes, on every farm, has been made to exceed, by many hundred per cent., the utmost amount for which they could be leased, or which, by any diligence or good judgment, they could be made to produce!

The cause of this great wrong, we apprehend, is to be found, primarily, in the change which the "revised charter" has effected in the general law of the State, concerning the assessment and valuation of taxable property. By that general law, every township was entitled to have its own assessor or supervisor, upon whom is devolved the duty of appraising and assessing all its taxable property. He was required to be a resident of the township—for every person is presumed to be more capable of judging of the value of property in his own neighborhood, and which he may see every day, than of property in another and perhaps remote locality. He is to be chosen by the electors of his vicinity—because they are more capable of judging of his fitness than strangers to him, and they have a deep interest in the correctness and fairness of his valuations. To those who choose him he is responsible, in point of reputation and honor; but when elected, he is legally amenable to the State only, by whose laws his office is created and his duties prescribed. He is not subject to be controlled in his official acts, nor to be removed from his office by any local tribunal, but only by the government of the State under whose laws he acts, or whose officer he virtually is; and his acts and official returns constitute the basis upon which all general taxation must rest. Before the "revised charter" was adopted, each ward of the city, it is believed, was put upon the same footing as that of a township, as regarded the right to elect the officer whose duty it was to assess, upon actual view, the taxable property within its limits. For what valid reason the resident citizens of the ward were deprived of this right, a right so highly valued everywhere and so deeply important to them, does not appear. That the rulers of the city desired it, there is no doubt. They wanted more money: and the change they caused to be made, furnished a

convenient mode of attaining it. The Constitution of the State provides that the Legislature shall restrict all municipal corporations, in regard to their powers of taxation, &c. In the view, probably, of this very positive requisition, the contrivers of this "revised charter" caused a provision to be inserted in it prohibiting the common council from exceeding a certain defined percentage on the returned valuations, in their assessment of taxes; but in the same charter they deprive the citizens of the wards of all right to elect their own assessors, and vest in the common council the power of appointing one assessor for the whole city. That officer is in no wise responsible to the people, for he is not elected by them. He is not amenable to the State, for he is not elected in conformity with the provisions of the general State laws, nor made subject to them. He is amenable only to the common council, whose agent, merely, he is. He holds his office during their pleasure, and may be removed, by a simple vote, without cause assigned. That council affixes his compensation as they may please, and pay his assistants besides for performing the laborious part of his duties. His valuations are subject to be increased or diminished as it may suit their pleasure; and and if he be forgetful of his respect for their wishes, he may be instantly removed and a successor appointed; or if it suit them, the office may be left vacant. In short, he is the mere agent of the council, and his act, is their act. Where, then, is the check, the restriction on the power of taxation, the Constitution so imperatively requires? *There is none!* And if the council want more money, they have only to exert their granted power, and with—or without—some plausible pretense, increase the "valuations" returned, and all ostensible impediment is at once removed. And when has it happened that the common council did not want more money? A fondness for display, habits of boundless profusion and extravagance, are not easily satisfied. The immense amount poured into the city coffers by the taxpayers of the city—and the tax-payers constitute but a small portion of the voters—does not satisfy them, although they are its sole disbursers. The patronage of the city is very great—

the common council are the dispensers of it. With offices, and contracts for public works, go compensations and salaries—the common council affixes them. The temptations of its members are very great. Is it matter for surprise, that they sometimes yield to them? They are men—they are not exempt from the foibles and the imperfections of men; they are influenced by like passions and interests—by like partialities and personal animosities as other men. Why, then, we humbly ask, place in their hands—or in the hands of any set of men—such unrestrained power over the fortunes, the subsistence, and the livelihood of their fellow citizens?

But there is *another* grievance, of *like enormity*, to which your memorialists, with all proper deference, ask leave to solicit the attention of your honorable body. It grows, too, out of the great powers assumed by the same common council, and which purport to be vested in them by the “Revised Charter,” relative to the construction and repairs of side-walks, and cross walks, and the grading and paving of the public streets. These provisions were undoubtedly intended to apply, solely, to the closely built and thickly populated parts of the ancient city; where, if properly exercised, and with a due regard to the interests, the wishes and the convenience of the resident proprietors; such powers might be beneficially exerted. But, in the more sparsely settled and agricultural wards, recently added to the city, and where it could never have been intended to apply them; thier enforcement has in general been attended by little else than great individual injury and gross injustice. Multitudes of side and cross-walks, for example, have been ordered to be constructed, over and across the farms within this added ward; and past cultivated fields and woodlands, and along uninhabited streets—where few or no places of residence are to be seen—and where scarcely one solitary pedestrian will be found passing, once a month, from the beginning to the end of the year! Many thousands of dollars, for such purposes have been required to be paid—not by the city—which pay, nothing for them; but by the individual proprietors of the farm

over which, or of the fields adjacent to which, such side-walks, &c., may have been ordered to be constructed; although not the slightest benefit results to the injured proprietor from such enforced disbursements, and to the body of the city, in most cases, quite as little! Unjust and oppressive, in the highest degree, as these measures are deemed to be; the actual enforcement by the council of their further assumed power to compel resident individual proprietors, to pay for the *paving of roads*, upon or over their farms, in the added wards, is yet more fearful and destructive! In the suburbs, and especially in these agricultural districts, the ordinary highway tax is amply sufficient to keep in repair, all the important and much traveled roads, leading to and from the city; even if they were not—as almost all of them are—in the charge of “Plank Road Companies,” well planked, and in good condition; and except it be to furnish profitable jobs to favorites, or that they may make their *great power* felt, or to gratify *vindictive and personal animosities*; it is not easy to imagine *why*, in this newly added 9th ward, they should seek thus to enforce this rigorous and high handed authority! and especially as no adequate benefit could possibly be made to accrue to the public from its exercise. Yet, against the earnest remonstrance, both written and verbal, of the property owners, deeply interested in the measure, they have done so. They have caused to be paved—nearly across one of the farms of this 9th ward—an isolated section of a road, called “Fort Street.” It is a road little, if at all used, for any business purposes. No merchandise from the city is transported over it to the interior of the State, and no agricultural products are brought into the city on it, for it is no thoroughfare. It leads nowhere, but abruptly terminates in a bushy swamp! It is as little-needed, either, for purposes of social intercourse; for the owners of the farms which it traverses, reside principally on the old, long established and well planked River Road, which is near by, leading in a course nearly parallel with it, to the central part of the ancient city. The measure, then, seems to us, ~~one of exceeding~~ *one of exceeding* hardship, and, without being susceptible

of palliation, an act of simple and unqualified despotism ! The manner, too, in which this extraordinary procedure is enforced, aggravates greatly the enormity and tyrannical character of the power itself. The *necessity* of the contemplated work, is *not* made the subject of proof, nor required to be shown ; the extent to which it may *injure* or *benefit* the premises along which it may pass, is *not* made the subject of investigation or inquiry. Nor is the amount of money the individual sufferer is required to pay, adjusted, with any regard to the value of his taxable or other property. The "Revised Charter," which purports to confer the power, does not provide for, or contemplate any *judicial* review of the procedure by the courts ; but the whole measure is *ex parte*. It originates in, and is consummated by the common council. *They* pass the by-law ; then, by resolution, or otherwise ; *they* designate the place, and the section and the road to be paved ; make, or cause to be made, a contract for doing the work—see that it is done—cause their officer to make their "special assessment," which, (being reported to them, is subject to such changes as *they* may please to make,) indicating the sums to be paid, the person or persons required to pay those sums, and the real estate made or to made chargeable with them ; and, in conclusion, *they* issue their "special assessment"-warrant against the person or persons charged ; commanding their city collector to collect the sum or sums demanded, by a seizure and sale, (if it be necessary,) of the goods and chattels of the person or persons charged ; and if the sums so obtained be not sufficient to meet the requisition of the council, then that body proceeds to advertise and sell, at public auction, all such real estate as they may have caused to be charged with the payment of these demands ; and thus, by these arbitrary proceedings, the citizen—without a jury, without proofs, without his "day in court"—is summarily *dispossessed* of his goods ; driven from his free-hold, and expelled from the domicile which shelters his wife and children from the storm !

In Cincinnati, no street can be graded or paved, except upon the petition of those property holders who are charged with the

expense of it. Here the work is done, not merely without the assent of those who are charged with the cost of it, but *against* their earnest remonstrance! In Cincinnati, their street assessments, if objected to, cannot be collected, except by the agency of the courts, where their merits are examined, and if justice require it, they may be annulled. Here a *distress warrant* goes out with the assessment, and at the will of the common council, its summary payment is enforced. In New York, (where more extensive municipal powers are accorded, it is believed, than in other States,) these street assessments have no efficient force, until they shall have been reviewed and affirmed, by the higher courts; and in Philadelphia, they, as well as all city taxation, are, by express legislative enactment, made subject to the correction or annulment of the high courts of the State. There are *no* such sources of relief open to your memorialists. That discriminations so invidious, between *our* condition, and that of our fellow citizens elsewhere, in this State, and in other States, and especially that discretionary powers, so numerous, and of so broad and boundless extent, (of which, in this, our respectful petition, we have enumerated only a part,) as purport to be conferred by the "Revised Charter," should have been suffered for so long a time to continue, can be accounted for only, it is believed, by the variety and great pressure of other important public affairs, demanding the special attention of members; and which, during the limited period of its sessions heretofore, left little, or no time for the consideration of evils, which, if at all known to exist, (except to those whose local predilections might *oppose* their revocation,) may have seemed *potential* rather than *real*, and threatening to but *few*, comparatively, of the citizens of the State. But time has since disclosed their actual and fearful bearing, while at the same time, the powers out of which they grow, are, from time to time, multiplied and increased. True to their instincts, the council have now acquired the control of *all* the financial and economical concerns of the whole county. The supervisors, heretofore elected by the people of the several

townships, each with reference, not only to his general intelligence and uprightness of character, but with especial regard to his supposed capacity to judge, upon actual view, of the positive and relative value of all taxable property within his township; having performed their several duties of assessing the valuations of all taxable property; are required to meet in board, at the county seat, at the times prescribed by law, to compare their several assessments, and reducing them to a fair and common standard of value; to make out and compare their several tax rolls and warrants of collection. Such, heretofore have constituted their principal and customary duties. But they are clothed, also, with authority to initiate and control other, the prudential and economical concerns of the county. In this board, and before the "Revised Charter," received a legislative sanction, the respective wards of the city, were duly represented, each, by a member *chosen by the electors* of the ward. Now, by force of a recent enactment, the whole body of the common council—though its members are not chosen with reference to their qualifications, as judges of the values, relative or positive, of the taxable property in the county,—are suddenly transferred, together with their convenient appendage, the "city assessor," to the board of supervisors, and made *members* of that body, where, constituting a decided majority, they control and dictate in all its operations. The *county* is at their mercy! And here we venture to obtrude the remark, that, removed from the temptation of luxury, and blendishments of city life, the habits of the farmers of the interior are simple, perhaps rude, but *upright* and *moral*, abstemious too, and habitually frugal, they have, in general, no fondness for *vain glorious display*, nor for the extravagances and dissipations of metropolitan society. How far, then, it would conduce to their wishes or well-being, to be placed under the stern government of a wealthy, an ambitious, and a *power loving* city, and to have the hard earnings of their industry, placed thus at the feet of its functionaries, it may not be appropriate for us here, to speculate upon. It may be said to be no concern of ours! And—except it concerns the

interest of the *whole*,—that every *portion* of the commonwealth should be prosperous and happy, it is truly no business of ours; with all becoming deference therefore, we desire to dismiss this particular topic. But we deem it appropriate to add the remark that this common council is now reputed to be desirous that a law be passed by your Honorable Body, to enlarge their patronage by the creation of new offices, for which they are to appoint the incumbents, with salaries to be affixed by them; that they may be permitted to negotiate for a further loan of several hundred thousand dollars for them to disburse, thus increasing the magnitude of their debt already so overwhelmingly great; and, also, to add to that long list of arbitrary powers, which no free man can look upon, but with abhorrence and fear; so true is it, that all arbitrary power is always prone to seek its own increase!

It may also be proper, in this connection, to inquire how far these changes in the general law, combined with the actual and proposed increase of the granted powers of this municipality, may affect both the amount and the regular collection of the revenues of the State? That the functionaries of the State should control the whole machinery by which that State revenue is ascertained and collected, seems eminently proper; that all officers employed in its ascertainment and collection should be made exclusively amenable to the State authorities, seems equally expedient. But the great powers granted and sought for will manifestly enable the Common Council to increase or diminish this State revenue at their pleasure, or to retard, and perhaps to prevent altogether its collection, so far as regards the public taxes payable by the 45,000 (or, according to the sublimated estimate of some, the 70,000 or 80,000), people of Detroit. The valuations returned by the appointed agent of the council (the City Assessor) form the only basis upon which the State taxation (as well as that of the city), must rest, and these, to all intents, are in the hands of the council. But conscious that our remarks are already much extended, we forbear from further comments upon these topics; we forbear also from a further

enumeration of the many other wrongs which have been brought upon us, and to which we are daily and hourly exposed, by the various and extraordinary powers which this "Revised Charter" purports to grant—powers which we humbly conceive are in direct conflict with the dictates of natural justice, and opposed to the most valued principles of every well ordered free government; powers that seem contrary to the whole spirit of our own organic law, and with great deference, we venture to say, contrary to its express guaranties.

Desirous to escape from their destructive and overwhelming influences, we venture, with all becoming respect, to renew our earnest prayer, that the obnoxious act of February 12, 1859, may be repealed, and that we may be set back to the political township of Springwells, from which, without our assent, we have been severed. We are the more encouraged to repeat our application in this behalf by a consideration of the course pursued, on such occasions, by other States. At Cincinnati, for example, whose boundaries appear often to have been varied, no new district is annexed to the municipality, unless, first, the citizens of such district, upon a full and formal vote, express their desire to be so annexed. If they should concur in that desire, then the question is put to the qualified voters of the municipality, whether they also desire such annexation. If both concur, then commissioners are appointed by each of the two parties, who, upon consultation, agree upon the terms of the association (relative to the right to the public buildings, relative to the city fund, and to the outstanding debts and credits of each, and concerning such other conditions and measures as may seem expedient), and when their report shall have been accepted by each party, and not before, the annexation proposed may take place. Even in the Royal and Colonial Government of the Canadas (as their code of laws manifestly shows), the democratic element in their system is so far respected that no bordering district of country is annexed to and made part of any existing municipal corporation, unless upon a full vote of the people of such district their assent to the measure be first made apparent.

Such a course, indeed, seems indicated by the theory of all free and enlightened governments. But if, unhappily, your honorable body should not deem it expedient to grant the boon we ask, then, appealing to the most valued axioms of freedom, to all the attributes of natural justice, and to the whole spirit of our own constitution, we respectfully, but earnestly pray,

First. That such change may be made in existing laws, as that the office of "city assessor" may be abolished, and that the qualified electors of each ward may be re-invested with their accustomed right of electing an assessor or supervisor, within and for each of said wards; that such officer assess all valuations of taxable property within his respective ward, and that he be required to perform all the duties, be clothed with all the powers incident to the office of supervisor, and be made amenable, alone, under the general laws, to the functionaries of the State government, and not to the municipal authorities of the city.

Second. That the people, or the property, of the newly added wards, be no longer liable to be assessed nor taxed for the construction of sewers, nor other public works, appropriate only to the central and crowded portions of the old city, nor for street lighting therein, nor for the sustainment of night watches, or a police force therefor, nor for any other object or purpose whatsoever, local in its character, and properly applicable only to the central and crowded parts of the old city, and not to the newly added wards.

Third. That the people and the property, of said newly added wards, be in no wise hereafter, assessed, nor taxed for such debt and liabilities of the old city, as were incurred, or as existed prior to the annexation of such newly added wards.

Fourth. That all the farming lands, used and occupied as such, within the 9th ward, (comprising gardens, meadows, cultivated fields, woodlands, orchards, pasture, grounds, &c.,) be hereafter assessed, valued and taxed, at their "cash value," but with reference, only, to their existing condition; that is to say: farming lands, meadows, gardens, woodlands, orchards, pas-

tures, cultivated fields, &c., as such, and not otherwise, and not upon any speculative and conjectural notion of their convertibility, into building lots, or of their supposed adaptation to any other purpose or use, than as farms and farming lands, &c.

Fifth. That the power assumed by the council, of turning water-courses from their long accustomed channels, over the farming lands in the 9th ward, without the consent of their owners, and of requiring such owners, at their individual expense, to fill up and destroy watering places for their cattle and stock, in their own barn yards, or to fill up depressed places in the surface of their premises, &c., be utterly revoked and prohibited, and that all such matters be left to be proceeded in under and according to the general law of the land, which general law sufficiently provides for cases of supposed public nuisance, both by indictment, in behalf of the public or by private suit by individuals supposing themselves injured thereby, and the exercise of such powers as are enforced by the council, being, as your memorialists believe, entirely unnecessary, are palpably unjust and oppressive.

Sixth. That the power assumed by the council of ordering, according to their pleasure or caprice—but at the expense of the land owner—that sidewalks and crosswalks be constructed along the fields and woodlands, and over and across the farms and farming lands in the 9th ward, be utterly and absolutely revoked and abolished. And in this connection we ask leave to state, that *all* the principal avenues of trade to and from the city, across and within this 9th ward (except the railroads and the river) are in the hands of plank road companies, and are in good condition; that the highway tax, which by the general law is required to be assessed annually in every locality, is amply sufficient to construct and keep in repair, all such sidewalks, &c., as the public convenience may require, and all the highways throughout the ward, also, which are not in the hands of plank road companies.

Seventh. That the power heretofore assumed by the council of causing roads within this rural and newly added ward, to

be paved at the expense of the owner or owners of the farm or lands over or adjoining which such roads may pass, without the consent of such owner or owners, be utterly revoked and annulled. And as all the principal roads in this ward are in charge of plank road companies, and in good order—that henceforth the said council have no authority to coerce such owner or owners, either by the sale of lands or otherwise, to pay for the expense of such paving within the limits of said ward, unless the said work be performed at his or their instance, or by his or their assent. And that hereafter no special or other assessments, either for the cost of paving or for the making or repair of sidewalks or crosswalks, filling low places on the surface of the ground, or for any other charge or work whatsoever in said ward, have force in the law until the same shall have been reviewed and confirmed by the Supreme Court, or by the Circuit Court of Wayne county, at which review and trial the party or parties in interest, or who are sought to be charged thereby, being duly summoned to appear, may have the right to show cause against it, either on the merits or for any alleged irregularity in the proceedings had.

That there exists other and grave objections to this “revised charter,” and to the form of municipal government it prescribes, in addition to those above indicated, we are constrained to admit. Whoever may believe that *governments* are made for the *people*, and not the people for those who govern, will see much more in it to condemn. Whoever believes that *unnecessary* restrictions upon the conduct of men, and encroachments upon the rights of private property—not called for by the *safety* of the State, nor *indispensable* to the public prosperity—are but the harbingers of tyranny, will hardly fail to look upon that “revised charter” with fearfulness and distrust.

But we feel that we may not further encroach upon the time and attention of your honorable body, and having perhaps sufficiently indicated in this memorial the most prominent and obnoxious of the evils brought upon us by this “revised charter,” we venture, in conclusion, to express our earnest hope that

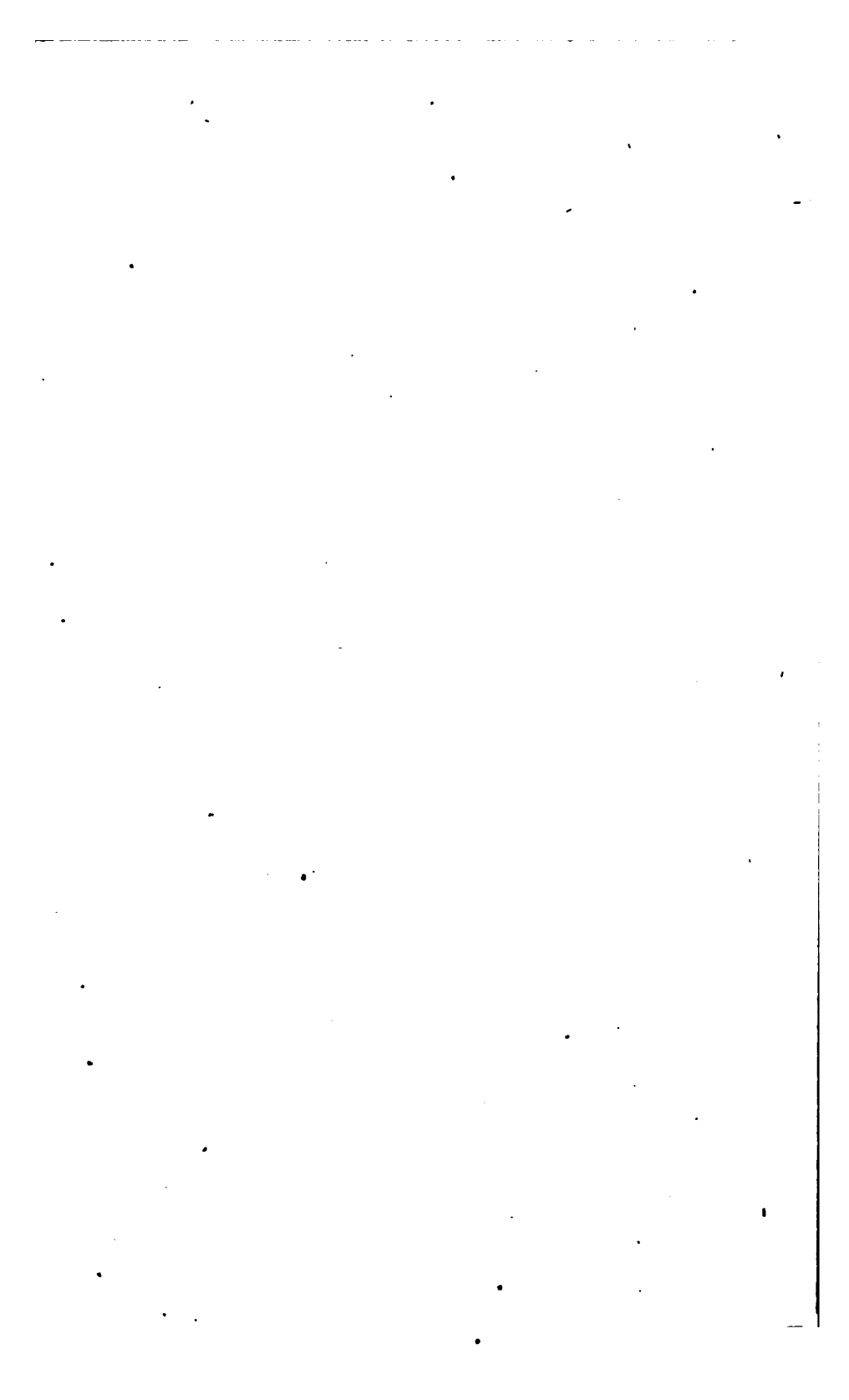
your honorable body will be pleased, either to remove us entirely from within the limits and scope, of its operation, by re-annexing us to the township from which we were taken, or—*and if that may not be*—that those evils may, in *some* degree be obviated by making the changes we have specifically prayed for, and by a total revokation of the arbitrary and despotic powers of which we complain. And your memorialists, as in duty bound, will ever pray, &c.

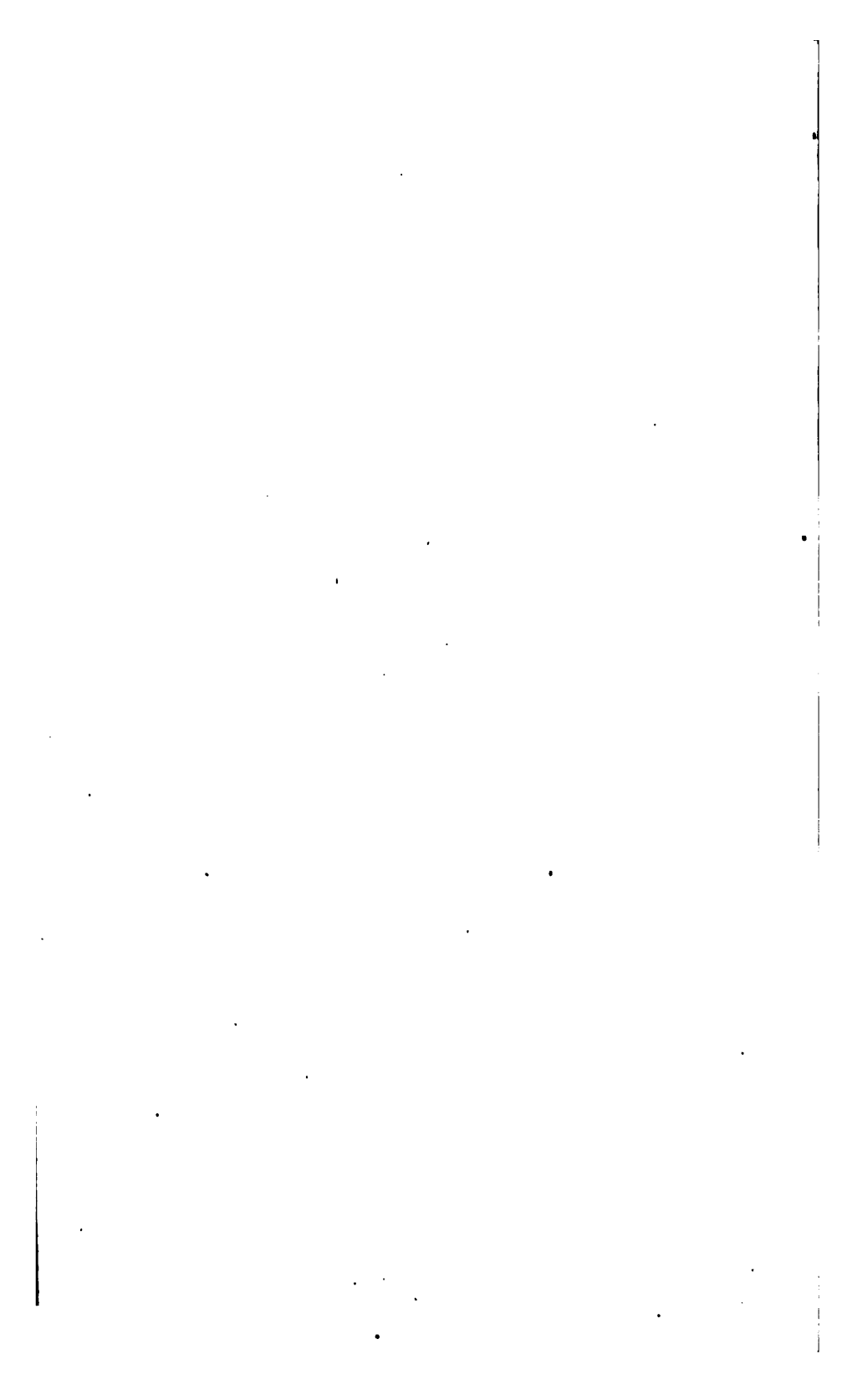
February 17, 1861.

William Woodbridge,
N. W. Brooks,
D. Thompson,
Porter Kibbee,
Chris. Rual,
Samuel Trudell,
Thos. Sanford,
Mrs. Jas. Watson,
Mrs. T. P. Hall,
W. I. Godfroy.

H. C. Kibbee,
F. Adams.
F. E. Eldred,
Carls Paull,
Clement Lafferty,
Jno. E. King,
Mrs. P. Godfroy,
Miss C. Godfroy,
C. L. Godfroy,







[No. 31.]

REPORT of the Joint Committee of the Senate and House of Representatives, appointed to investigate the Treasury Department and the official acts of John McKinney, late State Treasurer, and also the previous management of that Department, and the Contract for letting the work for the Repairs to the St. Mary's Falls Ship Canal.

The joint committee of the Senate and House of Representatives, appointed to investigate the treasury department, and the official acts of John McKinney, and also the previous management of that department, and the contract for letting the work for the repairs to the St. Mary's Falls ship canal, respectfully report: That they have prosecuted their investigation as diligently and effectually as it has been in their power to do, and herewith respectfully submit the result of their labors. That the public might be made fully aware of the diligence of the committee, and also of their neglect of their duty, if any possible means of arriving at correct results have been omitted, they have been careful to record the whole testimony, as well as the questions in answer to which it has been elicited, and which is herewith also submitted. If any effort has been omit-

ted to arrive at the whole truth, the committee is not aware of it, and whether there has been an earnest and determined investigation, all who read the testimony will be fully able to judge. It is believed that no one of the committee has had any object except to discharge faithfully the unpleasant duty with which it had been the pleasure of the Houses to charge them.

CANAL CONTRACT.

In the investigations of the letting of the canal contract, the committee have called before them everybody connected therewith—both all the officers who constituted the board of control which had the letting of the contract, as well as the contractors themselves—and have been enabled to investigate them very fully. The contract was not let to the lowest bidders therefor. There were several parties who proposed for the work, and their names and the bids made by each appears in connection with the testimony of the late Governor. The testimony of that gentlemen, also as well as that of the late Auditor General, detail the reasoning and the motives which led them to reject the lower bids, and accept one of the highest. In the first place, Mr. Clark, one of the contractors, seems to have been considered a man well acquainted with the business he was proposing to enter upon—was known to some of the board of control as a man of energy, enterprise and reliability. The sureties which Mr. Clark and his associate, Holmes, offered for the due fulfillment of their contract, if it should be awarded to them, Eben B. Ward, Philo Parsons, Z. Chandler and John Owen, were all citizens of this State, and men of known wealth and responsibility. The Board of Control, therefore, seems to have considered that, in awarding the contract to Clark & Holmes, with such sureties for its performance as the gentlemen above named, they were better consulting the interests of the State, than they would have been, had they let the work for a few thousands of dollars less, but to contractors of less ability, and offering less satisfactory surety for its performance, and who might possibly fail in completing it, as the terms of the contract might require. In this, the committee cannot say that they acted un-

wisely. The committee have endeavored to ascertain, both from direct testimony and from circumstances, whether any parties connected with the Board of Control, or with the State Government, had in any way, directly or otherwise, any interest with the contractors, in the profits of the work. All the direct testimony, however, repels this idea, and directly contradicts it. The engineer, who estimated the expense of the work, on the supposition that it was to be done by the State directly, estimated its cost to be something more than the contractors undertook to do it for; and though Mr. Holmes, when asked what the work cost, and the profits of the work, declined to answer, Mr. Clark states the cost to have been between \$55,000 and \$70,000. The contract has undoubtedly been a profitable one, but not to such an extent as to create an impression, much less belief, in the minds of the committee, that there was any collusion at the letting, and especially as all positive testimony contradicts and repels such an idea. On this subject the committee feel themselves compelled to express the conviction that this contract was fairly let, and that if there has been any error or mistake in the transaction, it has been only in judgment; and that there is nothing connected with it, indicating in any way, official misconduct, or want of integrity, on the part of any public officer connected with it.

CANAL LOAN.

The committee have also given some attention to the sale of canal bonds, so called, and the transaction with Hazleton & Co., which resulted in the deposit with them, by the late Treasurer, of \$50,000. This sale of bonds seems to have been conducted with but little regard to the principles which govern such transactions in the money market. The bonds were advertised, and bids therefor received in April, and the loan was then awarded to Hazleton & Co., as the highest bidders. It does not seem to have been contemplated that the transaction should be then closed. The bonds were yet to be prepared, and they were not in fact to be delivered until the July following. The variableness of the money market is such that it is rare

that a responsible party will bid for such a loan to-day when the transaction is not to be closed for two or three months. In the meantime, the value in the market of such securities, changes with all the changes which affect the price of money. To make such a transaction, therefore, so long beforehand, and leave it unclosed until July, when the money seems to have been wanted to pay the coupons upon the State bonds, was to run imminent risk that the transaction would fall through and the State suffer dishonor, unless, what is hardly supposable, a party of unquestionable responsibility could be found to enter into so hazardous a contract as to agree upon a present price for bonds to be delivered a long time in the future. What was to have been apprehended, came actually to pass. A change in the market value of money—a pretended change in the value of the bonds on account of questions as to the right of the State to issue the same, gave Hazelton & Co. an excuse to decline fulfilling the contract. The late Treasurer seems to have been utterly unfit to manage such a transaction, and to have been surrounded by friends who were as unfit as himself—as incompetent certainly, if not more to blame than himself.

The late State Treasurer Holmes, McKinney's predecessor, had sold to this same Hazelton & Co. \$216,000 of State bonds during the the time of his treasurership. The transaction was some months before Holmes retired from office. The price agreed to be paid for these bonds by Hazelton & Co., had not been fully paid when both Mr. Holmes and Whitney Jones, the Auditor General at that time, went out of office. The whole amount of the premiums being between \$3,000 and \$4,000 agreed to be paid, had never been realized. Whitney Jones had had his attention called to this fact soon after his term of office expired, had examined the Auditor's books, and had ascertained that the money had never been reported by the treasurer as paid. He accompanied McKinney to New York as his adviser and friend. Mr. Holmes was there also. Both consulted together, and it was by their advice that McKinney seems to have been guided. Holmes had been one of the original bidders

for the loan as a competitor of Hazelton & Co., had been in New York when the loan was awarded to them. He had never then mentioned to the Governor or Treasurer that Hazelton & Co. had failed to pay the full price of the first loan sold them. Neither he nor Jones, in July, when Hazelton & Co., declined to take the bonds unless McKinney would credit them or lend \$50,000 of the amount, and while they were acting as his advisers and friends, informed him that Hazelton & Co. had defaulted in the first transaction to the amount of probably upwards of \$3,000, but on the contrary advised him that Hazelton & Co., were perfectly responsible and honorable men, who always lived up to and fulfilled their contracts, and that the \$50,000 would be perfectly safe with them. Had Mr. Holmes been frank with the Governor, and stated this default of Hazelton & Co. upon the first contract, they would not have been allowed to become bidders for the loan. Had either of them subsequently stated the fact to McKinney, he could not, supposing him to be sane, have parted with the bonds to Hazelton & Co., until he should have received every dollar of the price to be paid therefor. Whether Mr. Holmes' conduct is to be explained by a fact mentioned by Mr. Dewey in his testimony and hereafter alluded to, that Hazelton & Co. had lent him money, the people must judge. The impression of the committee is, that in that transaction the late Treasurer was more sinned against than sinning. He was utterly incompetent, doubtless, but nevertheless he seems to have done wrong under the advice of friends who should have advised him better.

There are several circumstances connected with the conduct of Mr. Holmes, both when in office and after he had retired from it, which seem very difficult of justification. Though the custom did not originate with him, but prevailed before his time, yet it seems to have been continued by him as well as his successor, of keeping the accounts with the various banks where the funds were deposited, not upon the regular books, but upon books called sometimes "side books." The deposits

for some years have been made with depositories upon interest of five per cent., and during the administrations of Mr. Holmes, this item of interest was a large one. And yet there is nothing in the office to show where the money was deposited, the amount of interest which was justly due the State upon them, or anything by which the amount of interest which really accrued to the State can be ascertained. Money is entered as having been received on account of interest in gross sums, without anything to designate from whom received or on what account. Whether the interest so entered as paid be all the interest that was due the State, or whether it was all that was received, there is no means of knowing. That this mode of stating accounts or keeping books leaves the door wide open to any fraud which a public officer may see fit to commit, is apparent to all. That any have been committed during Mr. Holmes' administration may not be true, but if not, it is certainly not for the want of the most ample opportunity to do it without fear of detection.

He seems to have been in the habit of depositing with, or lending money to, one C. L. Anthony, of New York, and when he retired from office there was an account of \$15,000 and upwards against said Anthony, which was turned over by Mr. Holmes to Mr. McKinney as cash. About half this amount remained unpaid until the present treasurer came into office. It has since been settled, but without interest for 1860, by being deducted from the amount due the contractors for the repairs upon the canal, of whom Mr. Holmes was one. At the close of his term also there was a draft from the Detroit Advertiser office, in his favor, on Hosmer & Kerr, for \$826, which they had refused to pay, having, as they state, previously paid the same. This was left in the office as so much cash, and so receipted by McKinney. In adjusting a running account with these gentlemen, the deputy treasurer, Mr. Hunter, seems to have had address enough to deduct the amount of this draft from moneys due them, and the amount remains now a subject of controversy between them and the treasury office.

There has already been an allusion to the conduct of Mr. Holmes, in connection with the negotiations with Hazelton & Co. He did not require them to pay the full price of the first bonds sold them, and yet he delivered to them all the bonds. About the same time he received from them, in a loan or loans, money to the amount of \$3,800, and it seems to have been the understanding that he was not to be called upon to repay it, it having been also understood, as it would appear, that the amount of the premium was to remain uncalled for, or that the amount lent Holmes, should apply as a payment thereof. When asked himself if he had informed the parties negotiating with Hazelton & Co. for the canal loan, of the failure of that firm to comply with this previous contract, and that they had failed to pay the premium agreed to be paid; his reply was that he had not, and the reason was that he still thought at that time that he might yet get the money, and this though he had been out of office some months. It seems clear to the committee, that in this transaction itself with Hazelton & Co., and in all his subsequent conduct, in not informing either the Governor, when the information would have prevented the giving the loan to Hazelton & Co., and afterwards, when the same information must have prevented the transaction with regard to the \$50,000, are altogether at variance with the duty incumbent upon him. The first, that is, letting Hazelton & Co. have the \$216,000 of bonds before the price was fully paid, was official malfeasance, by which the State lost, less, to be sure, than by the same kind of conduct on the part of McKinney, afterward; but the act was of the same character as the subsequent one by which \$100,000 of bonds were delivered, and only fifty-three thousand paid. If the fact that Hazelton & Co. let Holmes have money to about a little more than the premium on the \$216,000 of bonds sold them by him, furnish the explanation of his conduct; then the transaction assumes a still darker complexion, if it does not become positive corruption, or embezzlement. The second, to wit: that he did not make known the fact either to the Governor or McKinney, at any time

during the negotiation of the canal loan, while utterly at variance with his duty, taken in connection with the reasons assigned by himself for not doing it, can hardly fail to strengthen the unpleasant suspicion which arises from the other circumstances connected with the original transaction.

The committee have no desire to give a character to any of these transactions which they should not bear. To be compelled to bestow censure instead of praise is no agreeable office. They would, however, deem themselves not acting up to the duty imposed upon them, if they allow a series of events like these to pass without the most marked expressions with regard to them.

There is some conflict of testimony between Mr. Holmes and Mr. Hunter, relative to the disposal of the "side books," upon which accounts with the depositories of public moneys were kept during his term of office, and we pass that topic by, merely remarking that they are not to be found in the Treasurer's office.

MCKINNEY'S OFFICIAL CONDUCT.

The official conduct of the late Treasurer, McKinney, has been subject to as rigid an investigation as it has been within the power of the committee to give it. The refusal of McKinney himself to answer any questions, of course has deprived them of one direct means of knowledge. The manifest complicity of his deputy Treasurer, Hunter, with himself, in all the malpractices which have taken place in connection with the funds of the office—the duplicity and insincerity of his testimony, determinedly and designedly shaped so as to conceal every transaction possible to be concealed, and to assign a false reason for every transaction which could not be concealed, which will be apparent to every reader of his testimony—the destruction by him of all the books and papers of the office, upon which all its accounts were kept with banks and other depositories of public moneys—all have contributed to embarrass the committee in its efforts to arrive at the full extent of the peculations which have been committed by McKinney, Hunter and others, if any others have been connected with them. Still,

however, enough has been discovered to show the character of the men and of the transactions which have taken place, while the manner in which the accounts have been kept, has been such that it is clear that a considerable amount of public money has been at their mercy, and if they have not used it when opportunity offered to do so without detection, it would be conduct so entirely inconsistent with transactions impossible to be concealed, as to challenge the credulity even of the most incredulous.

Mr. Hunter was a deputy of the predecessor of Mr. McKinney. He seems to have been a ready accomplice, and willing and zealous to aid him in destroying every thing which could by any means enable the committee to trace those accounts where most easily money might be abstracted without discovery. When he went out of office, he deliberately and carefully burned, and that since this Legislature has been in session, all the books upon which the accounts of the Treasurer were kept, with all banks and other depositories, and many other papers of the office also. So thoroughly was this done, that there remained nothing in the office to show any account with any bank or individual depository. The difficulty, therefore, which the committee has met with from these causes has been so great, as doubtless to prevent the discovery of many practices which would otherwise have appeared.

What can be the object in this careful destruction of books and papers belonging to the Treasury department, and upon which important official accounts were kept, unless it be to prevent investigation, and cover up fraud? Honesty fears no examination, dreads not the closest scrutiny, but even invites it.

Why keep important accounts, such as those with banks of deposit, upon what is called "side books," at all? Why keep all the transactions of the treasury, where there is an opportunity to purloin money, upon books which may be so easily taken away and destroyed? Why are accounts so loosely kept as to utterly baffle investigation in many respects, and even then not permitted to survive the term of office of the party, during whose

term the transaction then recorded, took place? The committee feel compelled to say frankly and plainly, that there can be but one motive for such conduct. Parties thus acting, cannot be innocent. They have been pilfering the public moneys, and these are the ways resorted to, to cover up and conceal the amount of the frauds committed, from public attention. There is no degree of public censure too great to be visited upon all parties, whether principals or accomplices, who have been engaged in transactions of this nature.

The committee, however, after all, are compelled to say that, within the last two years, no very great amount of the public moneys can have been lost. There are certain accounts, such as the interest accruing to the State upon the public moneys on deposit in various places, commissions paid, or purporting to have been paid, to brokers, or bankers, for paying the interest of the State debt, items of exchange, and other transactions of a similar nature, which involved, perhaps, the payment of considerable sums of money. In all such cases, there seems to have been no check, or means of guarding against fraud; and considerable amounts of money, for such items, seem have to been allowed to, or taken by, McKinney, upon no other voucher than his own statement. These amounts, in whole or in part, may not have been paid by him; all the interest upon the public moneys may not have been credited by him, and it is probable they were not; but have been, to some extent, appropriated by him and his deputy, Mr. Hunter. It is gratifying, however, to know that, though sums which could be thus appropriated, might amount to some few thousands of dollars, they could amount to no very large sum. The amount of public moneys on deposit the past two years, has been too small, and the other items, where these opportunities existed, are not, altogether, sufficiently large to admit of any considerable frauds by their means.

In addition to these, which are minor matters, there is no doubt or question but that the late Treasurer has used money which came into his hands as Treasurer, and belonging to the State, to some amount above twenty-three thousand dollars.

He has received and receipted for, as Treasurer, from the Detroit and Milwaukee Railroad Company, the tax of that company for the last year, which has never been credited upon the Treasury books, amounting to, including interest paid thereon, \$23,000; also, \$500, unpaid balance of Hunter's draft on McKinney, when the present Treasurer came into office, for July coupons. In addition to these things, also, there is a discrepancy of \$2,100 in the cash accounts of the office, the money being short that amount. Of these items, there seems to be no doubt. There appears, also, to be afloat, some checks drawn by the late Treasurer upon the Insurance Bank, which may increase his default to some extent. There are other items for which McKinney is legally and justly chargeable, though they cannot be considered as embezzled by him. Of these items, is the large one of \$50,000, lent to Hazleton & Co., under the circumstances above stated. Also, an item of \$1,580 31, being the amount of Lansing City Orders found in the Treasury, and for which the deputy of the Treasurer had given money, in order, either to secure himself from loss, or to aid a brother engaged in grading some of the streets of the city—all evidences, at least, of weakness and utter unfitness, and incompetency of both officers for their places—though not in themselves criminal, except in so far as they were violations of duty, and of law.

And indeed regard for law seems to have been a virtue held in but little repute by these parties, as all the practices of the office show. The law requires that no money shall be paid from the treasury except upon the warrant of the Auditor General, and yet it seems to have been a general practice to advance money from the treasury to any parties doing business with or for the State, as if upon an account current, and in anticipation of a warrant thereafter to be obtained. At the close of the last year there were various items of this sort in the treasury, and amounting to considerable sums, among which was one item of \$20,000 advanced to the contractors upon the St. Mary's Canal, Clarke & Holmes, and various other items. And it was upon this practice that the ingenious deputy, Hunter, based his justification, in giving his brother \$1500 of the public money for

Lansing city orders, because at some future time the treasury might have funds derived from taxes upon non-resident lands in the city which would be to the credit of the city. A statement of these items found in the treasury will be found in the testimony of Mr. Owen.

The committee have not much to say of the value of the lands held by mortgage from Dewey and Hazleton & Co., as security for the fifty thousand dollars lent Hazleton & Co. The notes enumerated in the testimony of the late Attorney General are probably utterly worthless, all of them. The value of the lands it has been impossible to ascertain. On this subject the committee can only express the hope, though perhaps a precarious one, that the property may be sufficiently valuable to enable the State in the end to realize the money for which it stands as security. For all information upon this subject, the committee refer to the testimony of the late Attorney General and Mr. Dewey.

In conclusion, the committee may venture to express the hope that, with an act already passed this session, to bring the accounts of the Treasurer, and the condition of the funds belonging to the State in his hands, monthly to a close scrutiny of other officers of the State, and another bill now pending to regulate more certainly the manner in which accounts shall be kept in the treasury office, no such state of things can probably again occur; and having said this, they respectfully submit the result of their most disagreeable duty to the legislature, having, so far as they had ability, sought to discharge it at least faithfully and without fear.

H. P. BALDWIN,

Chairman of Senate Committee.

JAMES F. JOY,

Chairman of House Committee.

G. C. JONES,

THOS. D. GILBERT.

I concur in the above report, except so much of it as approves of the letting of the contract for repairs of the St. Mary's Falls Ship Canal to Clark & Holmes.

WM. BROWNELL.

TESTIMONY.

TESTIMONY taken before the investigating committee appointed by the Senate and House of Representatives, in accordance with the following resolutions :

Resolved, (The House of Representatives concurring,) That a joint committee of two from the Senate and three from the House, be appointed to investigate the Treasury Department of this State, and the official acts of John McKinney, late State Treasurer, and that said committee have full power to send for persons and papers, and that they be requested to report thereon with such expedition as their duties will permit.

Resolved, (the House concurring,) That the joint committee on investigation of the Treasury, be authorized and directed to make such investigation as far back as the committee, in their judgment, deem necessary.

Resolved, (the House concurring,) That the joint committee on the investigation of the Treasury, be authorized and required to make a full examination of all matters touching the letting of the contract for repairs upon the Sault St. Mary's Canal, and they be authorized to send for persons and papers.

JOHN OWEN, SWORN.

Question. Mr. Owen, are you the Treasurer of the State of Michigan?

Answer. I am.

Question. When did you assume that office?

Answer. January 1st, 1861.

Question. At that time, was Mr. McKinney, the State

Treasurer, present to transfer the books, papers and moneys?

Answer. He was not.

Question. From whom did you receive such transfer?

Answer. From Mr. Hunter, his deputy.

Question. At the time of the transfer of the books, papers and moneys, appertaining to the office of the State Treasurer, did the books of the Auditor General and of the Treasury, correspond in their balances?

Answer. They did.

Question. At that time, were all the books, papers, moneys and vouchers, appertaining to the Treasury Department, placed in your possession?

Answer. Mr. Hunter claimed that they were. There were no books turned over to me, showing where the moneys belonging to the Treasury were kept, except those in the Treasury vault. I mean there were no books turned over to me, containing accounts of moneys on deposit.

Question. Were there any moneys belonging to the Treasury, on deposit in other places than the vault of the Treasury?

Answer. There were.

Question. At what other places were these moneys on deposit?

Answer. At the Michigan Insurance Bank. I have no personal knowledge of any at other places.

Question. Have you any knowledge of accounts having been kept with other banks?

Answer. An account was kept at the Artisan's Bank in New York. On the failure of that bank, I understand the account was transferred to James G. King's Sons.

Question. At the time you assumed the office of Treasurer, what was the balance of cash on hand?

Answer. One hundred and ten thousand, seventy-eight dollars, and sixty-two cents. (\$110,078 62).

Question. Was that amount of cash placed in your possession?

Answer. It was not.

Question. If that amount was not transferred to you, what was transferred?

Answer. With the items transferred, are the following:

ITEMS RECEIVED FROM J. MCKINNEY, LATE STATE TREASURER.

Account in favor of J. M. Howard, for expenses

in sundry suits..... \$ 1,725 00

Account J. McKinney, traveling expenses, principally

..... 1,029 88

Advances made Hosmer & Kerr on account of printing, including \$825, which Hosmer &

Kerr do not admit..... 6,085 66

Account for repairs for the Capitol, of which

\$145 has since been allowed and paid..... 225 00

Advanced to the Reform School, paid.....

200 00

Advanced J. B. Walton, account Engineer Saut

Canal repairs, since allowed and paid..... 292 71

Certificate of land redemption, paid.....

76 85

Pay account Judge Christiancy due December

31st, paid..... 625 00

Advances to contractors for repairs to Sault

Canal, paid..... 20,259 59

Lansing city orders.....

1,590 36

Deputy State Treasurer's draft on J. McKinney,

State Treasurer, for coupons due July 1st,

1860, paid \$3,240..... 3,880 00

Certificate deposit, Howard, Smith & Co., De-

cember, 1854..... 119 00

Certificate deposit, E. H. Hazelton & Co..... 50,000 00

Draft B. C. Whittemore, State Treasurer, on

J. O. Bailey, Deputy State Treasurer, 1854.. 175 60

Deputy State Treasurer on O. L. Anthony, paid 7,205 99

" " King & Sons..... 4,944 02

Upon which they pay \$1,984 52, the difference, less \$9 50 for account, was deposited by them to the credit of the State Treasurer with the Bank of Commerce.

Draft on the Michigan Insurance B'k.	\$7,793 58	
" Artisans' Bank.....	39 16	
Cash	8,710 69	
Postage stamps.....	161 63	
		<hr/> \$11,705 06

Question. Has the account of J. M. Howard, in the first item in your statement, for \$1,725 been allowed?

Answer. It has not.

Question. Has the second item in your account of moneys, of J. McKinney for traveling expenses, been paid?

Answer. It has not.

Question. The third item reads, "advances made to Hoemer & Kerr on account of printing, \$6,085 66." Has any portion of that been since taken up?

Answer. No, sir; they are in the shape of receipts given to Mr. McKinney.

Question. Can you give any explanation of this item of \$825 included in the receipt of Hoemer & Kerr, which you say they do not admit?

Answer. I have no positive knowledge of it.

Question. There is an item here—"advances made to the contractors of the Sault Canal." Has this been taken up?

Answer. It has.

Question. There is another item. Deputy State Treasurer's draft on C. L. Anthony, \$7,205 99. Does this draft now remain in the treasury?

Answer. No. It has been paid and taken up.

Question. Will you explain how these last two named items have been paid?

Answer. They were adjusted by Clark & Holmes in

settlement of balance due them on contract for repairs on Sault Canal.

Question. In what manner were the Lansing city orders received into the treasury?

Answer. I do not know.

Question. Do you know their value?

Answer. I do not.

Question. Do you know for what this draft by Theodore Hunter, Deputy State Treasurer, on C. L. Anthony, was given?

Answer. I have no personal knowledge, for what it was given.

Question. What was the date of this draft?

Answer. I think it was December 31st.

Question. One item seems to be "Deputy State Treasurer's draft on J. McKinney for \$3,830." How much of this has since been paid?

Answer. Three thousand two hundred and forty dollars. (\$3,240.)

Question. In what was this \$3,240 paid?

Answer. In coupons of the bonds of the State of Michigan, due July 1st, 1860.

Question. Do you know whether all the coupons due July 1st, 1860, have been paid and returned to the Auditor General?

Answer. I do not, of my personal knowledge.

Question. Have you any knowledge when the certificate of deposit of Howard, Smith & Co., for \$119, came into the treasury?

Answer. I have not.

Question. Have you any personal knowledge how this certificate of E. H. Hazelton & Co., for \$50,000, came into the treasury?

Answer. I have not.

Question. There is a draft of B. C. Whittemore on J. G.

Bailey, dated 1854. Do you know how long it has been in the Treasury ?

Answer. I do not.

Question. The Deputy State Treasurer gave you a draft on King's Sons for \$4,944 02. Has this whole amount been paid by them or others ?

Answer. Yes, it has been, less nine dollars and fifty cents- (\$9 50.)

Question. Has the draft given you by Mr. Hunter, Deputy State Treasurer, on Michigan Insurance Bank for \$7,798 58 been paid ?

Answer. It has.

Question. Has the draft on the Artisan's Bank for \$39 16 been paid ?

Answer. It has.

Question. Have you any knowledge of any moneys having been paid to Mr. McKinney as State Treasurer, from specific taxes due to the State, or from any other sources, which do not appear on the books of the office ?

Answer. I have seen receipts signed by Mr. McKinney as State Treasurer, for such moneys, which do not appear on the books of the office ; or rather the receipts were given for acceptances of the Detroit and Milwaukee railway.

Question. For what amount were such receipts given, which were not credited on the books of the office ?

Answer. Twenty-three thousand, two hundred and fifty-seven dollars and forty-nine cents. (\$23,257 49). This includes the interest during the life of the draft.

Question. Has the money which has been received by the late State Treasurer from the Michigan Central Rail Road for the State tax of January been credited up on the books of the office ?

Answer. It has not.

Question. Have you any knowledge whether Mr. McKinney has received such money ?

Answer. I have.

Question. What is the amount?

Answer. Thirty-seven thousand four hundred and fifty-four dollars and fifty-five cents (\$37,454 55.) This is good to the road for forty thousand dollars (\$40,000.)

Question. Has the State received that amount from the Road?

Answer. King & Co. state to me that they have placed that amount to the credit of the State at the Bank of Commerce.

Question. Do you know of any other moneys that Mr. McKinney has received as State Treasurer, that have not been placed on the books of the State, from any source, from interest, discount, exchange, or any other source?

Answer. The Michigan Insurance Bank has been accustomed to allow interest on the deposits in that bank, to the credit of the State Treasurer, and that interest does not appear, as I am informed—at least for the last year—upon the books of the office. I have not investigated further back than the last year.

Question. Were there any books in the Treasurer's office when you came in, other than those that are now there?

Answer. No, sir, I inquired of Mr. Hunter if there were no books containing the account of money deposits. He replied "those were private books, and they were taken away."

Question. Have you since been to New York?

Answer. Yes, sir.

Question. Have you examined the manner in which the accounts were kept by the banks or individuals with whom the deposits were kept?

Answer. I examined the books of the Artisans' Bank, and found that the accounts had been kept with Mr. Holmes and Mr. McKinney, each, as State Treasurer—an official account.

Question. Did you examine any other accounts in New York? •

Answer. No, sir.

Question. How was it at the Michigan Insurance Bank?

Answer. It was always kept with them as State Treasurer—an official account.

Question. Are there any books in the office showing any corresponding account with those banks during Mr. McKinney's time?

Answer. There are not.

Question. Are there any books in the office showing such accounts during Mr. Holmes' time?

Answer. I do not find any.

Question. Are there any books or entries in the office showing an account with banks, during the time of the predecessors of Mr. Holmes?

Answer. I was told, as a justification of what Mr. Hunter had done, that Mr. Bailey, the Deputy of Mr. Whittemore, had taken away the books containing such accounts.

Question. Are books, showing the accounts of the treasurer with the various banks where he keeps deposits, absolutely necessary to the office?

Answer. They are.

Question. Does the Michigan Insurance Bank own thirteen thousand dollar (\$13,000) in Penitentiary Bonds?

Answer. They do, and past due, bearing interest at six per cent., but without coupons.

Question. You say the Michigan Insurance Bank pays interest on its account?

Answer. Yes, sir.

Question. Will you state if there is any arrangement between the Michigan Insurance Bank and the State Treasurer, by which the interest due on the deposits in the Bank, should be applied as a payment of the interest due on the bonds?

Answer. Such an arrangement was proposed to the Deputy State Treasurer, and acceded to by him.

Question. In stating the account of interest due from the Bank to the State Treasurer, on the deposits in the Bank, has there been a deduction made from the amount of the interest on the Penitentiary bonds?

Answer. In stating the interest account of the Bank with the State, they have given credit for the amount of interest due on the Penitentiary bonds, and show a balance of interest due the State.

Question. During the past year, has there been any money paid by the State to the bank on the Penitentiary Bonds?

Answer. No.

Question. Does it appear from the books of the treasurer's office, that warrants for the interest on the Penitentiary Bonds drawn by the Auditor General, have been paid by the treasurer?

Answer. The books do show that such warrants have been paid.

Question. What amount of such warrants have been paid?

Answer. Seven hundred and eighty dollars (\$780,) as interest, and nine dollars and seventy-five cents (\$9.75) exchange on said interest.

Question. Why was exchange allowed?

Answer. Because I suppose the bonds and interest were payable in New York.

Question. Have you seen Mr. McKinney of late? If so, when and where?

Answer. I saw him in New York, about the 15th of this month.

Question. Did you have any conversation with him?

Answer. I did.

Question. Did he tell you when he was coming home?

Answer. He said if I would wait a day or two he thought he would come with me.

Question. Did he say anything about his affairs here in connection with the State Treasury?

Answer. He spoke to me about the Detroit and Milwaukee Railway tax. Mr. McKinney said he should have no explanations to make till he came to Lansing.

January 30, 1861.

THEODORE HUNTER, SWORN.

Question. Have you been engaged in the Treasury Department of the State for some time past? If so, in what capacity?

Answer. Yes sir, as a deputy.

Question. How long was you connected with it?

Answer. Five years and a little over three months.

Question. Were you Deputy State Treasurer all this time?

Answer. With the exception of about ten days.

Question. When did your connection with the office in that capacity cease?

Answer. On the 31st of December, 1860.

Question. Do you, from your personal knowledge, know the amount of cash and cash items turned over to the new Treasurer?

Answer. Yes.

Question. Was the Treasurer here at the time these items were turned over?

Answer. No, sir.

Question. Where was the Treasurer at that time?

Answer. On the first of January, I suppose he was on the way from New York to Hamilton, in Canada.

Question. Has Mr. McKinney since that time been in Michigan, to your knowledge?

Answer. He has not.

Question. What was the balance of the cash on hand at the time you turned the account over to Mr. Owen?

Answer. One hundred and ten thousand, seventy-eight dollars and sixty-two cents. (\$110,078 62).

Question. Was that whole amount in cash?

Answer. No, sir, it was in various items.

Question. Is this receipt exhibited to you, a true copy of the receipt given by the new Treasurer?

Answer. It is.

Question. One item in this receipt is an account with J. M. Howard, for seventeen hundred and twenty-five dollars. (\$1,725). What do you know about it?

Answer. The money was paid to Mr. Howard for the purpose of conducting the suit with the Phenix Bank, and also, that of the Tyler murder case of Port Huron.

Question. Why was that account paid without being audited?

Answer. Accounts were frequently thus paid, because such was the custom of the office.

Question. Do you know anything about the account in this receipt, of Mr. McKinney, for one thousand and twenty-nine dollars thirty-eight cents? (\$1029 38)

Answer. It covers Mr. McKinney's traveling expenses to New York to pay coupons, and Mr. Howard's, Governor Wisner's and Colonel Jones', with reference to adjusting the Hazelton claim.

Question. Had this account, or any portion of it, been presented to the Board of Auditors?

Answer. Both the account of Mr. McKinney and Mr. Howard were presented to the Board of Auditors after they were paid, and were not allowed.

Question. Do you know the reason why these accounts were not allowed?

Answer. Mr. Sanborn, as a member of the Board of Auditors, assigned as a reason for not allowing Mr. How-

ard's account, that he thought the Attorney General should do the business without making a charge; another reason was that the account was not certified to by Mr. Howard. The practice had been, that when a State officer presented an account, he should certify to its correctness.

Question. Do you know why Mr. McKinney's account was not allowed by the Board of Auditors?

Answer. Mr. Sanborn thought that State officers ought not to charge for traveling expenses.

Question. Can you explain the receipts in this receipt given by the Treasurer, from Hosmer & Kerr, for six thousand eighty-five dollars, and sixty-six cents? (\$6,085 66.)

Answer. They were in the habit of receiving advances for work in progress for the State.

Question. Was there any dispute in regard to any portion of these receipts?

Answer. Mr. Kerr claimed that about eight hundred dollars, (\$800,) were carried over from Mr. Holmes' administration improperly.

Question. Will you explain this difference of opinion?

Answer. This amount of eight hundred and twenty-five dollars (\$825) was made up of four drafts, drawn by the Detroit daily *Advertiser* office on Hosmer & Kerr, while Mr. Holmes was State Treasurer, and sent to me by Mr. Holmes for acceptance. Acceptance was refused and nothing more was done in reference to it for a number of months, when Mr. Holmes told me to charge them to Hosmer & Kerr.

Question. Did you pay Mr. Holmes from the Treasury for these drafts?

Answer. I did.

Question. Was this while Mr. Holmes was Treasurer?

Answer. It was.

Question. Did Hosmer & Kerr at any subsequent time admit these drafts and promise to pay them?

Answer. Never.

Question. How does it happen that the amount in these drafts were included in the receipt given by Hosmer & Kerr?

Answer. Upon a settlement with Hosmer & Kerr, their receipts that had been accumulating, were given up, and for the balance due from them—including the disputed drafts—a new receipt was taken.

Question. Were Hosmer & Kerr, at the time of this settlement, aware that these drafts were included in the receipt given by them?

Answer. They did not examine the items, and I am not aware that they knew they were included.

Question. Did Hosmer & Kerr subsequently complain that these drafts were included in the receipt?

Answer. They did, and returned the drafts.

Question. Were those drafts ever given back to Hosmer & Kerr?

Answer. They were not, and my impression is they were turned over to Mr. Owen.

Question. When was this settlement with Hosmer & Kerr made?

Answer. It was, early in the administration of Mr. McKinney.

Question. When Hosmer & Kerr returned the drafts for \$825 and stated the mistake, and demanded the correction of the error, why was not the correction made?

Answer. The case was referred to Mr. McKinney, and he instructed me not to make any correction. Mr. McKinney had received the drafts from Mr. Holmes when he came into office, as money, therefore he refused to make the correction.

Question. Among the cash items transferred to Mr. Owen, the new Treasurer, were receipts from contractors for repairs on the Sault canal for \$20,259 59. Why was this money paid to the contractors without a warrant?

Answer. That was the usual practice, to pay before the

warrants were issued. During the five years that I was in the office, I know of but one warrant that I paid in cash. In all other cases they were paid in receipts or account.

Question. How did you keep accounts with individuals to whom the treasury made advances?

Answer. I kept them in memorandum books.

Question. What kind of memorandum books?

Answer. Sometimes in what are called bank books, and sometimes in half bound books of three or four quires.

Question. Can you tell from memory how many of those books you have used during the administration of Mr. McKinney?

Answer. There may have been, perhaps, half a dozen.

Question. Where are those books?

Answer. Mr. McKinney has some of them, and some have been destroyed.

Question. Who destroyed those that were destroyed?

Answer. I did. When one was done with I burned it up.

Question. Have you any of those books in your possession now?

Answer. No, sir.

Question. How did you keep your accounts with the depositories of the Treasury, banks, or otherwise?

Answer. In one of the books already described—three or four quire books.

Question. Are any of those books in existence?

Answer. None that were used during Mr. McKinney's administration.

Question. Why were they destroyed?

Answer. I destroyed them as I would have destroyed useless lumber; because they were done with.

Question. When did you destroy the last of these books?

Answer. Shortly after I left the office,—within two or three days.

Question. Had you previous to that time destroyed any ?

Answer. Yes, frequently.

Question. When did you leave the office ?

Answer. The first of January.

Question. How many of those books did you destroy at that time ?

Answer. Three.

Question. What books were they ?

Answer. Memorandum books, in which accounts of advances were kept, and the accounts with the different banks and depositories.

Question. Were there any unsettled accounts in those books ?

Answer. Not that I know of.

Question. Was there nothing in those books that was of importance to your successors in office ?

Answer. Nothing that I think of.

Question. What would there be left in the office that would show the state of the accounts with individuals and banks ?

Answer. The receipts and vouchers.

Question. What was left in the treasurer's office, after those books were destroyed, that would show the state of the accounts with the Insurance Bank, or any other bank or depository ?

Answer. Not any thing.

Question. Have you ever been requested or instructed by Mr. McKinney to destroy those books ?

Answer. No, sir.

Question. After the destruction of those books, suppose the Insurance Bank, or any other depository, had denied that they owed the State any money, what was there left in this office to show that they did owe anything ?

Answer. There was nothing left in the office to show or to prove the account, had they denied it.

Question. Were these accounts kept as official accounts in the name of the State Treasurer?

Answer. They were.

Question. In what manner were those books destroyed?

Answer. They were burned.

Question. Before those books were destroyed, did you compare and prove the accounts with the various banks?

Answer. That could not be done, as there might be checks afloat.

Question. If checks were afloat, and the accounts had not been proved, were they not unsettled accounts?

Answer. Yes, sir.

Question. Were there other accounts on the books that were unsettled beside the bank accounts?

Answer. The bank accounts were kept on books by themselves, and there were no other unsettled accounts on those books.

Question. Was there an interest account kept with the Michigan Insurance Bank and other state depositories?

Answer. The Michigan Insurance Bank always made up its own interest, and when we kept an account with the Peninsular Bank, the interest account was made up at the Treasurer's office.

Question. How often did the Michigan Insurance Bank make up this interest account?

Answer. Every six months.

Question. Was this the case during the whole time of Mr. McKinney's administration?

Answer. Yes, sir.

Question. Did the Treasurer receive from the Michigan Insurance Bank, at various times, interest on the account, during Mr. McKinney's administration as Treasurer?

Answer. He did.

Question. Did such interest go into the Treasury?

Answer. For the year 1859, it did. In the year 1860, it was not credited up.

Question. Was there an arrangement between the Michigan Insurance Bank and the Treasurer, as to the rate of interest to be paid on deposits, and how it should be paid, during Mr. McKinney's administration?

Answer. There was an agreement as to the rate of interest. They were to pay five per cent.

Question. Did you say this interest was charged to the Michigan Insurance Bank in 1859 and 1860?

Answer. It was, and charged on the books in the treasurer's office for 1859; but in 1860 it was charged on those books that were destroyed.

Question. Did the Michigan Insurance Bank hold a certain amount of Penitentiary bonds, on which there were no coupons, but which bore interest? If so, what amount of bonds, and what rate of interest did they bear?

Answer. They did hold thirteen thousand dollars, (\$13,000) at six per cent. interest.

Question. When was the last coupon on these bonds due?

Answer. January 1st, 1860.

Question. Has the interest on these bonds been paid since the first of January, 1860?

Answer. Yes; it has been credited at the Michigan Insurance Bank.

Question. When was it credited to the Michigan Insurance Bank?

Answer. About the last of December, 1860.

Question. Where was it credited?

Answer. On the deposit book which was destroyed.

Question. I understood you to say, in answer to a previous question, that there was nothing in the books destroyed, that was necessary for the incoming treasurer to know. How was this possible, when there were items of interest credited there, to the Michigan Insurance Bank, which appeared on no other book?

Answer. When I burned up those books and papers,

there were as much as a half bushel of them, and if this particular matter of interest had occurred to my mind, I presume I should have preserved it.

Question. Did you never have an intimation from Mr. McKinney, in any way or manner, that he did not wish those books to fall into the hands of his successors?

Answer. I did not.

Question. Were there not warrants issued by the Auditor General, for the interest on those bonds, which had been credited to the bank, in the book which was destroyed?

Answer. There were.

Question. Have all the coupons, due July, 1860, been paid, and returned to the Auditor General?

Answer. I gave Mr. Owen a certain draft, for what I supposed was coupons, at the Artisan's Bank in New York, and the bank sent up coupons for three thousand two hundred and forty dollars, (\$3,240,) which has passed into the Treasurer's hands. I wrote back to the bank, that there must be five hundred and ninety dollars (\$590) more coupons. They replied by sending a check drawn by Mr. McKinney, as Treasurer, for four hundred and eighty dollars, (\$480,) and said that they had another voucher of his for one hundred dollars, (\$100,) and there was a discrepancy in the account of ten dollars (\$10.)

Question. Do you know when the certificate of deposit of Howard, Smith & Co., dated December, 1854, for one hundred and nineteen dollars, (\$119,) came into the Treasury?

Answer. I found it in the office when I became Deputy Treasurer.

Question. Do you know when the draft of B. O. Whittemore, State Treasurer, on J. O. Bailey, Deputy State Treasurer, dated 1854, was received into the Treasury?

Answer. I found it there when I went into the Treasury, five years ago.

Question. Do you know the amount C. L. Anthony, of New York, was indebted to the State Treasurer at the close of Mr. Holmes' term of office as State Treasurer?

Answer. About sixteen thousand dollars (\$16,000.)

Question. Has Mr. Anthony or Mr. Holmes paid interest on the whole or any portion of this since that time?

Answer. I think interest was paid on it in 1859, but not in 1860.

Question. Was the amount paid in 1859, on this account, paid into the Treasury?

Answer. Yes, sir.

Question. Was the whole amount of interest then due paid?

Answer. Yes, sir.

Question. Can you tell the time that portions of this have been paid?

Answer. No. It has been paid from time to time.

Question. During 1860, do you say no interest was paid?

Answer. No, sir.

Question. Can you tell me how the Lansing city orders came into the Treasury?

Answer. The charter of the city of Lansing stipulates that when non-resident lots are returned to the Auditor General's office for taxes, the amount shall be paid to the city of Lansing by the Auditor General. These orders were received and money advanced on them with the expectation that when the non-resident taxes were returned, the Auditor General could pay these orders instead of money. They were treated like every other advance of money out of the Treasury.

Question. Are the non-resident taxes paid over to the Treasurer of the city of Lansing, by the Auditor General when they are returned?

Answer. Yes.

Question. Was this advance made to the city of Lansing?

Answer. No, sir.

Question. To whom was it made?

Answer. Most of them were made to my brother who contracted to do the grading.

Question. By whose order were those advances made?

Answer. They were made by the consent of Mr. McKinney.

Question. Were those orders paid for out of the Treasury at par?

Answer. They were.

Question. Have you any knowledge of any account or claim against the State, having been paid by a less amount than one hundred cents on a dollar?

Answer. I have not.

Question. What was the market value of these orders when the advance was made?

Answer. They had not depreciated at that time, which was early in 1859.

Question. What amount of those city orders have there been in the treasury?

Answer. This is all.

February, 13, 1861.

THEODORE HUNTER, RECALLED.

Question. Did you advise the Michigan Insurance Bank, the last of December, 1860, that the interest on the Penitentiary bonds had been placed to their credit?

Answer. I did not.

Question. Did the Michigan Insurance Bank render monthly statements of their accounts?

Answer. Yes, sir.

Question. When was the last account received?

Answer. Early in January, 1861. The last account received while I was in the office, was probably early in December, 1860.

Question. Where are these accounts?

Answer. Mr. McKinney has them all in his possession, with the exception of the two last.

Question. When were these accounts delivered to Mr. McKinney?

Answer. About the 10th of December, 1860.

Question. Why were these accounts delivered to Mr. McKinney.

Answer. He requested them.

Question. Are there copies of these accounts in the office now?

Answer. There are not.

Question. Why were not the two last accounts given to Mr. McKinney with the others?

Answer. They were received after Mr. McKinney went away.

Question. What reason did Mr. McKinney give for taking these bank accounts?

Answer. Not any.

Question. Did you receive the Michigan Insurance Bank account for the month of December, 1860? If so, when?

Answer. I received it early in January, 1861. It came directed to John McKinney, State Treasurer, and I took it out of the post office.

Question. Where is the account rendered by the Michigan Insurance Bank for the month of November?

Answer. It is in my possession.

Question. Where are the accounts rendered by the Michigan Insurance Bank for the months of November and December?

Answer. They are in my possession.

Question. Did the accounts rendered by the Michigan Insurance Bank for the month of December, include the

interest account between the bank and the State Treasurer for the six months ending November 30, 1860?

Answer. It did not.

Question. Did the account rendered by the Michigan Insurance Bank for the month of November, 1860, include the interest account between the bank and the State Treasurer, for the six months ending November 30, 1860?

Answer. The account rendered for November or December contained their interest statements for the six months preceding November 30, 1860.

Question. Why did you take these accounts away?

Answer. Because I supposed they belonged to Mr. McKinney.

Question. Did Mr. McKinney take away all the letters that were addressed to him as State Treasurer?

Answer. He did not.

Question. Did he take away any of the letters addressed to him as State Treasurer?

Answer. He did.

Question. What motive had Mr. McKinney for taking away these letters?

Answer. He took away such letters, only, as related to the bank accounts.

Question. How do you know that he took away no other letters?

Answer. I do not know that he took away any other letters, but he took away no letters, to my knowledge, excepting such as related to bank accounts.

Question. How do you know that he took away those letters?

Answer. I gave them to him.

Question. When did you give him those letters.

Answer. At the same time that I gave him the statements of the bank accounts.

Question. Why did you give Mr. McKinney the statements of those bank accounts, and those letters?

Answer. He asked for them.

Question. Was there ever anything said between you and Mr. McKinney, in any way, why it was proper for him to take away those bank accounts and those letters?

Answer. I don't remember any conversation about them.

Question. Was there never any conversation between you and him, from first to last, about the propriety of taking away those bank accounts and letters?

Answer. I don't remember any.

Question. Did he at the time he asked for those letters and accounts, give no reason whatever?

Answer. I think not.

Question. Have you taken other accounts than the two already named by you, or letters addressed to the State Treasurer from the Treasurer's office, or the post-office?

Answer. I have some letters from the Michigan Insurance Bank relative to the interest, but have taken no letters from the post-office, excepting the one before stated.

Question. Why did you take these letters and accounts sent from the Michigan Bank?

Answer. Because they contained correspondence relative to an unadjusted interest account.

Question. Was this interest account between the Bank and Mr. McKinney as an individual, or between the bank and the State Treasurer?

Answer. Between the Bank and the State Treasurer.

Question. If this account was with Mr. McKinney as State Treasurer, and the letters related to an unadjusted interest account with him as State Treasurer, why did you consider it as belonging to Mr. McKinney?

Answer. The interest account was rendered by the bank for a less amount than I computed it at, a correspondence was had with the bank by me, but they neglected to correct it. I supposed the matter was for Mr. McKinney to adjust, and reserved the letters for his return.

Question. Did you suppose, or do you now suppose, that Mr. McKinney, after retiring from office, could adjust any accounts between the bank and him as State Treasurer?

Answer. The law permitting deposits with banks requires the depositing treasurer to pay over the whole amount deposited. If any dispute arises with a bank, the depositing treasurer must adjust it, for the reason that neither he nor his bail are released.

Question. And you suppose that that right to adjust would remain in the retiring treasurer, after he has left his office, and ceased to be the State Treasurer, do you?

Answer. Yes.

Question. You state that the reason why you took those letters, was because they contained an unadjusted interest account, and that the interest, as they computed it, and the interest, as you computed it, differed. Was that the only reason?

Answer. That was the only reason, except, there was an additional item of fees, for signing circulating notes.

Question. You have said that the law allowing money to be deposited in banks, makes the depositing Treasurer liable for the amounts he deposits, and therefore you suppose he had a right to adjust the accounts. Does that law make him liable for the accuracy of the interest accounts, and the fees, in your estimation?

Answer. It does.

Question. There being no error in the items of account for moneys deposited, could not the incoming Treasurer compute the interest, as well as the outgoing one?

Answer. I know of nothing to prevent it.

Question. Then why, I ask again, should the outgoing Treasurer take away all the accounts, and the letters connected with them?

Answer. Because I suppose the law allowed Mr. McKinney to adjust his own Treasurer's account with the banks.

Question. I suppose, in correspondence with this the-

ory, you took away all the cancelled bank checks returned to the Treasurer's office?

Answer. I did not take away any of them. I think they were all left in the office?

Question. What other papers, beside these statements of accounts, and the books which you burned up, and the letters, did you take from the office?

Answer. Not any.

Question. Was there anything left in the office here, after the statements of accounts were taken away, to show the interest account with the banks?

Answer. Not anything.

Question. Or to show the deposit account with the banks?

Answer. There was left in the office books whereby the entire deposit accounts with banks could be made up.

Question. What were those books?

Answer. Letter book and check book.

Question. Do the credits of interest on the State Treasurer's books show from whom such interest was received?

Answer. No.

Question. Is there any means of ascertaining from any books in the treasury, from whom any items of interest were received?

Answer. Not any.

Question. Whose vouchers were furnished for commissions for paying coupons, for the year 1859 and 1860?

Answer. Mr. McKinney's.

Question. Did Mr. McKinney furnish vouchers from any parties to whom commissions were paid?

Answer. He did not.

Question. Was Mr. Mead, the Superintendent of the Sault Canal, in the habit of making deposits with the Michigan Insurance Bank, to the credit of the State Treasurer? If so, when were the last deposits made?

Answer. He was, during the last year. The last that he

made must have been during the month of October or November.

Question. Was the last deposit made by Mr. Mead credited on the books of the office?

Answer. It was.

Question. Were you Deputy State Treasurer at the time that Hazelton & Co. purchased \$266,000 of the State bonds?

Answer. I was.

Question. Was that amount paid into the State Treasury?

Answer. It was.

Question. Did Hazelton & Co. agree to pay a premium on that loan?

Answer. It was understood that there was to be a premium paid of about three thousand dollars (\$3,000.)

Question. Was that amount ever paid into the Treasury?

Answer. It was not.

Question. Do you know why?

Answer. Mr. Holmes stated he had never received it.

Question. Did you ever communicate that fact to any of the the State officers, that that premium had never been paid?

Answer. I think not to any but Mr. Case.

Question. At what time did you notify the Auditor General that the one hundred thousand dollars canal loan and premium, had been paid into the treasury and was subject to draft?

Answer. I think it must have been in the month of September or October, 1859.

Question. Where was that money paid in?

Answer. At the Artisan's Bank, to the credit of John McKinney, State Treasurer.

Question. How did you know that.

Answer. Through Mr. McKinney.

Question. Were you advised of the disposition that was made of that money?

Answer. Yes. Mr. McKinney told me he had drawn out \$50,000, and lent it to Hazelton & Co.

Question. What was done with the balance?

Answer. It remained in the bank.

Question. You said when examined before, that when Mr. Holmes retired from office, you sent him the books in which the accounts of the banks were kept. Was that at Mr. Holmes' request?

Answer. It was.

Question. Has he got them now?

Answer. Yes, sir.

Question. Were those books sent within the last year?

Answer. I think they were.

Question. Was it within the last six months?

Answer. I think not.

Question. What accounts, rendered to Mr. McKinney, as State Treasurer, and what letters, written to him, do you retain in your possession?

Answer. The monthly statements for November and December, of the Michigan Insurance Bank, and some letters with reference to unadjusted interest accounts, perhaps four or five.

Question. Will you bring those letters and papers here to-morrow evening at 7½ o'clock?

Answer. I will.

Question. Have you in your possession any memorandum of any of the accounts contained in any of the books which were burned by you?

Answer. No, sir.

February 22, 1861.

THEODORE HUNTER, RECALLED.

Question. Who kept the cash account while you were Deputy State Treasurer?

Answer. I did.

Question. How often was this cash account balanced?

Answer. When I first went into the office, except in certain busy seasons of the year, I went through the form of a balance weekly. The cash was not balanced after about the first of February in the year 1860, until about the first of December of the same year.

Question. Why was this length of time allowed to pass without the cash account being balanced?

Answer. Because the manner in which the business was done, by advances and receipts, instead of the Auditor General's warrants, rendered it exceedingly difficult.

Question. On the first of December, did the cash account balance?

Answer. It did not, nor would it balance while I remained in the office.

Question. Was there a surplus or a deficiency of the cash?

Answer. A deficiency.

Question. How great was that deficiency?

Answer. Twenty-one hundred dollars. (\$2,100.)

Question. Can you tell how long this deficiency has existed?

Answer. No, sir.

Question. Can you explain the reason of this deficiency?

Answer. This deficiency might have occurred through the irregular manner in which the business of the office was done, viz: in paying out moneys on receipts and accounts, instead of warrants of the Auditor General. A deficiency had occurred at a previous time with J. C. Holmes, Treasurer of the Agricultural College, wherein he

received one thousand dollars more than was due to him, which he returned when he discovered it. Another way in which deficiencies might occur, is by counting packages of money, and marking them erroneously.

Question. Did you try to balance the cash between the first of February, 1860, and the first of December, 1860?

Answer. I did not.

Question. After discovering this discrepancy, did you make an effort to find the error?

Answer. I did; I tried every day.

Question. On the first of January, 1861, at the time you transferred the cash to Mr. Owen, the new Treasurer, what balance did your cash account call for?

Answer. There should have been about twenty-one hundred dollars (\$2,100) more than was transferred.

Question. From what source was this \$2,100 received, which does not appear on the debit side of the cash-book?

Answer. If the interest paid by the Michigan Insurance Bank had been entered up, the cash then would have been short of the amount charged to the State Treasurer by the Auditor General, about \$2,100; but it was not entered up.

Question. Was Mr. McKinney aware of this deficiency in the cash account?

Answer. Not till after he returned from New York, the first of the present February.

January 31, 1861.

C. C. TROWBRIDGE, SWORN.

Question. Are you connected with the Detroit and Milwaukee Railway Company?

Answer. I am.

Question. In what capacity?

Answer. I am the secretary of the company.

Question. Do you know whether the specific tax of the

Detroit and Milwaukee Railway Company payable to the State for 1859 has been paid?

Answer. It has.

Question. Do you recollect the amount of the tax so paid in 1859?

Answer. The amount of the tax payable July 1st, 1859, was twenty-one thousand three hundred and sixty-one dollars seventeen cents (\$21,361 17.)

Question. When was that tax paid?

Answer. On the 23d of January, 1860.

Question. Did the Detroit and Milwaukee Railway Company pay interest on the tax from the 1st of July till the tax was paid?

Answer. They did.

Question. Can you tell the amount of interest they paid?

Answer. The amount of interest paid was eight hundred and forty-one dollars eighty-four cents (\$841 84.)

Question. Where was this tax and interest paid?

Answer. At the Merchants' Bank, in the city of New York.

Question. Did the State Treasurer allow the Railroad Company exchange on the amount?

Answer. He did not.

Question. In what manner was this amount paid?

Answer. It was paid by an acceptance of the company of John McKinney's draft as State Treasurer, dated December 5, 1859; payable January 20, 1860, at the Merchants' Bank, New York.

Question. Has the Detroit & Milwaukee Railway Company paid the specific tax due from that company to the State on the 1st of July, 1860?

Answer. It has.

Question. What was the amount of the tax paid by that company for the year 1860?

Answer. Twenty-two thousand nine hundred and seventy-one dollars and forty-eight cents (\$22,971 48.)

Question. Was that tax paid on the first of July?

Answer. It was not.

Question. When was it paid?

Answer. \$4000 of it was paid August 4, 1860.

4000 " Sept. 4, "

4000 " Oct. 4, "

\$4000 " Nov. 4, "

4000 " Dec. 4, "

2791 48 " from the 28th to the 30th

of December, 1860.

Question. Did the Railway Company pay interest from the first of July on this tax?

Answer. It did from the first of July to those dates respectively.

Question. What was the amount of interest paid?

Answer. Four hundred and fifty-eight dollars, twenty-one cents. (\$458 21.)

Question. Where was this tax and interest paid?

Answer. At the Metropolitan Bank, New York.

Question. Did the State Treasurer allow the company exchange on either principal or interest?

Answer. The State Treasurer allowed the company exchange on the principal at the rate of three-fourths of one per cent., amounting to one hundred and seventy-two dollars twenty cents. (\$172 20.)

Question. Did the State Treasurer make his draft on the company for the several amounts paid by the company, as stated by you?

Answer. He drew bills or drafts, as State Treasurer, on O. J. Brydges, who was then Receiver of the Detroit and Milwaukie Railway Company, payable to his own order, at the Metropolitan Bank in the city of New York.

Question. When were these drafts made?

Answer. On the 27th of June, 1860, and sent to Mr. McKinney at his request, in the city of New York.

Question. Was the tax paid by you in the manner indicated, at the request of Mr. McKinney.

Answer. Mr. McKinney called on me prior to this date, to know whether I would be ready on the first of July to pay the tax. I informed him that I would not be able to pay it on that day, and proposed to him to divide it in the manner above explained, and give him the Receiver's acceptances therefor, payable in Detroit. Mr. McKinney told me he would inquire and ascertain whether he could use the acceptances so made. After some interval he returned to my office and informed me that he could not use them in that form, but if made payable in New York, they would be quite acceptable to him, and said he would allow the company exchange if they would make them so payable. Whereupon the Receiver presented to the courts a petition for an order authorizing him to make the acceptances. The courts granted the order, and the acceptances, together with the certified copy of the order, were forwarded to Mr. McKinney as above stated.

Question. Were these drafts dated at Detroit or Lansing?

They read, "State Treasurer's office, Lansing, June 22, 1860."

Question. Were all of these acceptances paid at maturity?

Answer. All except one, and that was paid within a day or two of its maturity.

Question. Were these drafts endorsed by Mr. McKinney, as State Treasurer?

Answer. All of them were so endorsed—John McKinney, State Treasurer, Michigan.

Question. Had the Detroit and Milwaukee Railway Company paid to the State Treasurer the taxes previous to 1859, in the same manner?

Answer. It had done so. All the taxes they have ever paid, have been paid in the same way by bills or notes.

Question. You state that the company paid interest on the taxes of 1859 and 1860 ; was such interest included in the amounts for which these acceptances were given ?

Answer. The interest was added to the principal and included in the acceptances.

Question. What is the amount of all the drafts including interest and deducting exchange for the year 1860 ?

Answer. Twenty-three thousand two hundred and fifty-seven dollars and forty-nine cents. (\$23,257 49.)

Question. Did the Detroit and Milwaukee Railway Company pay to the State Treasurer interest on the specific taxes previous to 1859 ?

Answer. It has never paid its taxes promptly on the 1st of July, and it has always paid interest from that date till the taxes were paid.

Question. When did the Detroit and Milwaukee Railway Company first pay a specific tax ?

Answer. On the 30th of April, 1857, I paid to the State Treasurer an arrearage of tax for the Detroit and Pontiac Railroad Company for 1854. At the same time, I paid an arrearage of tax for the Oakland and Ottawa Railroad Company for the year 1855. At the same time, I paid an arrearage of tax for the Detroit and Milwaukee Railway Company for the year 1856, and the tax payable by the same company on the 1st of July, 1857. The whole of said taxes, amounting to twenty-four thousand six hundred and fourteen dollars twenty cents (\$24,614 20), which taxes were settled by note to S. M. Holmes, State Treasurer, payable on the 1st of November, 1857, in which note was included the sum of two hundred and forty-eight dollars forty-nine cents (\$248 49), being the interest on the several taxes from the dates when they were respectively payable to the maturity of said note. The said note was not paid at maturity, but in installments, and the further sum of one thousand and seventy-two dollars eighty-nine cents (\$1,072 89) of interest was paid

thereon, making the total amount of interest paid on said note, three thousand one hundred and ninety-one dollars thirty-eight cents (\$3,191 38.)

Question. When was the specific tax of the company for the year 1858, paid?

Answer. On the 23d of December, 1858.

Question. This tax, not having been paid when due, did the company pay interest on it?

Answer. It did—six hundred and ninety-seven dollars, seventy-eight cents (\$697.78.)

January 31, 1861.

JACOB M. HOWARD, SWORN.

Question. Will you explain an account transferred by the late State Treasurer, by Mr. Hunter, his Deputy, to Mr. Owen, the new State Treasurer, as a cash item, amounting to \$1,725?

Answer. I have no knowledge of such transfer. I suppose the item alluded to is made up as follows:

1st.	A receipt given by me for an advance from the State Treasury, dated May 28, 1858, for.....	\$250 00
2d. do	" Nov. 6, 1858, for.....	250 00
3d. do	" April 4, 1859, for.....	250 00
4th. do	" June 6, 1859, for.	125 00
5th. do	" March 10, 1860, for.....	200 00
6th. do	" April 7, 1860, for.....	350 00
7th. do	" July 17, 1860, for.....	100 00

Amounting to.....\$1,525 00

All of which items were advanced to me by the State Treasurer in cash, for expenses and disbursements, in the case of the State of Michigan *vs.* Phenix Bank, of the city of New York, and all which items I have paid out in such expenses and disbursements, which were necessary and indispensable, in the prosecution of that suit.

Another sum was advanced to me by the State Treasurer, for which I gave my receipt, dated December 29, 1859, for two hundred dollars, (\$200,) which I expended in similar expenses and disbursements in the case of the State of Michigan *vs.* Wm. Tyler, indicted and tried for murder in the circuit court for the county of St. Clair, and of which case I was directed to take the charge by Governor Wisner, the proceedings of which case were fully reported in my last annual official report.

For these advances, I gave to the late Deputy State Treasurer a receipt for an Auditor's warrant, the amount of which is seventeen hundred and twenty-five dollars, (\$1,725,) and thereupon he surrendered to me the several receipts which I had previously given for those advances. Without these advances it would have been impossible, or next to impossible, for me to have proceeded in the discharge of my official duty as connected with those two suits.

The suit against the Phenix Bank, after two trials at the special term of the superior court of New York city, in which the State recovered judgments, which were reversed by the general term of the same court, has been, by the State, appealed to, and is now pending in the court of appeals of the State of New York.

The case of Tyler, after having been passed upon twice by the Supreme Court of this State, has been taken by the prisoner to the Supreme Court of the United States upon writ of error.

Question. Were you acquainted with the negotiations between the State Treasurer, and the Governor and E. H. Hazelton & Co., for the sale of one hundred thousand dollars (\$100,000) canal bonds of the State of Michigan?

Answer. I had no knowledge whatever of that negotiation until after the agreement for the sale of the bonds had been entered into by the parties.

Shortly after that, I was informed, both by Governor

Wisner and Mr. McKinney, that they had made an agreement with Hazelton & Co. for the sale of the whole loan. This information was given me, I think, in the spring of 1859, at any rate, very soon after they returned from New York, where the agreement was made. This must have been a month or six weeks before the time of the delivery of the bonds in New York.

Question. Do you know of any other bids having been put in by any other parties than Hazelton & Co.?

Answer. I do not know; but I was informed by some person that other bids were put in. The names of the bidders I cannot give, if I ever knew them.

Question. Do you know what was the inducement that led Mr. McKinney to leave fifty thousand dollars (\$50,000) in Hazelton & Co.'s hands?

Answer. I have no knowledge, except such as I have derived from Mr. McKinney, Mr. Edmund H. Hazelton and George M. Dewey, long after the transaction.

Question. Will you state what that knowledge is?

Answer. I was informed by them all, between the first and fifth of January, 1860, in the city of New York, that, during the last days of June, 1859, while Mr. McKinney was in New York with the bonds, and ready to deliver them in pursuance of that agreement, the loan had been cried down among capitalists in New York, as being of doubtful constitutionality; that a rumor to that effect had been put in circulation in New York; that letters to that effect had been written from Michigan, by legal gentlemen, and that in consequence the loan was in bad credit.

Mr. Hazelton told me that he had stated to Mr. McKinney, at the time alluded to, that he could not, by reason of this rumor, dispose of the bonds for more than about fifty per cent. of their face, and that he, as a member of the firm of Hazelton & Co., was then depending much upon the immediate sale of the bonds, to enable the firm to raise the whole amount. He told me, further, that he assured

Mr. McKinney, that if he (McKinney) would grant him a credit for fifty thousand dollars (\$50,000) for the space of from ten to twenty days, he might be sure of payment in full within that time, and that he himself entertained not the least doubt of being able to pay it within that time; that this proposal was considered by Mr. McKinney for several days; that he, (McKinney,) manifested great reluctance to accept it, and had apparently made up his mind to reject it and return home, but that finally he consented to it on the first of July.

Question. Had you never heard before January, 1860, that Mr. McKinney had left \$50,000 with Hazelton & Co?

Answer. I had. I cannot be exact as to the date, but it was not before the month of November, 1859.

Question. Did not Mr. McKinney give you any explanation whatever then, of the reason why he left \$50,000 with Hazelton & Co.?

Answer. The reason he gave me was the same in substance as that which I have just stated, as coming from those several parties, with these further reasons: that on the first of the preceding July he had to pay a large amount of State interest in New York, and that he had not transferred from Michigan sufficient funds to meet it, and relied upon the proceeds of the loan to pay it, by the use of which proceeds he would save to the State, some five hundred dollars, (\$500,) in exchange. He also stated as another inducement, that the contract for repairing the canal had actually been let, and that money would be indispensable to pay the contractors, in order to prosecute the work. In short, that unless he negotiated the bonds, the credit of the State, in reference to the payment of its semi-annual interest, was in danger of being injuriously affected by the delay in transferring funds from Michigan, and the work on the canal be absolutely stopped. These were the inducements as stated to me by Mr. McKinney,

for entering into the arrangement with Hazelton & Co., granting them a credit.

I expressed my surprise to Mr. McKinney, for his entering into such a transaction. No hint of it had ever before reached me, and I at once wrote to the Deputy Treasurer at Lansing for copies of any papers in his office, relating to it, which papers were sent me by return mail. My conversation with Mr. McKinney took place chiefly in my office, in Detroit. I urged him earnestly to repair at once to New York, without the delay of a single train, and to use his utmost efforts to obtain the cash due from Hazelton & Co.; and if he found that impracticable, to get what security might be in his power to obtain. He left by the next train, and went to New York.

Question. Had you seen Mr. McKinney often between July and November?

Answer. I think not often, though I probably had seen him. But it is certain that he never had hinted to me that he had entered into that transaction.

Question. Did you see him in July, in Detroit, on his return from New York?

Answer. I saw him on his return from New York. I think it was in July.

Question. Did you have any conversation about this loan?

Answer. I then had a very brief conversation with him about the loan.

Question. When did you next see him?

Answer. I do not know.

Question. Is it probable that you saw him more than once or twice after that time before November?

Answer. I think I must have seen him more than once or twice.

Question. At those subsequent interviews, was there no conversation between you and him on the subject of this loan in New York?

Answer. None to my recollection.

Question. Did you ever hear anything said by Mr. McKinney in any way relative to a plan between himself and Hazelton & Co., or of a plan by Hazelton & Co. alone, to use those bonds to establish a bank here at Lansing?

Answer. Never a word.

Question. Do you know the price at which those bonds were sold to Hazelton & Co.?

Answer. I think it was three and a fraction per cent. premium.

Question. Do you recollect what Mr. McKinney said to you in the brief conversation you had with him in July relative to this loan?

Answer. Yes, sir.

Question. Will you state the conversation?

Answer. The bonds had been drafted by myself, and printed under my superintendence. Some time in June, when they were all in my office at Detroit, Governor Wisner and Mr. McKinney called in for the purpose of signing them. They signed every one of them in my presence. Mr. McKinney counted them, and then rolled them up in a wrapper—in order to take them to the Auditor General for his signature,—and remarked that after obtaining that, he should carry them to New York, to deliver them to Hazelton & Co., and get the money in pursuance of the agreement that had been made. I remarked to him, “McKinney, remember the five million loan, the Morris Canal and Banking Co. swindle, and how much the State lost in consequence of its bonds having been pledged as collateral security. The law does not allow you to pledge these bonds, and you are not at liberty to part with them for any purpose or on any consideration, except for cash in hand. Don’t part with a single bond without the cash in hand for it.” He replied: “Never fear, I shall not part with a bond without the cash.” On his return from New York, he came into my office, and the first question I ask-

ed him, was: "Have you got the money"? He replied: "Yes, I have got the money."

That was all the conversation I had with him in reference to it. Had he hinted to me that he had parted with any portion of them on credit, I should certainly have gone to New York at once for the purpose of recovering them by legal proceedings.

Question. Did you afterward assist in obtaining security of Hazelton & Co., of any kind, for this \$50,000?

Answer. I did.

Question. Will you state in what that security consists?

Answer. I went to New York in company with Mr. McKinney and Governor Wisner on the 30th and 31st of December, 1859, for the purpose of obtaining payment or security from Hazelton & Co., and was engaged in that duty on the second, third, fourth and fifth of January, 1860. I first proposed to Mr. Dewey and Mr. Hazelton, that they should give an irrevocable power of attorney, authorizing the sale of all their real estate in Michigan for the payment of the balance. This they declined doing, and after a tedious negotiation, they finally consented to give the State a mortgage on all their real estate lying in this State. The mortgage was drawn by me, and executed by Dewey and Hazelton and delivered to me for the State. I then requested them to go with it before a Notary and acknowledge it. They started, and returned to the Hotel the next day with the mortgage. It had been acknowledged by Hazelton and his wife, but not by Dewey. I asked Dewey why he had not acknowledged it. He replied that he had made up his mind not to deliver it or be a partner to it. I then demanded it of him peremptorily. He took it from his pocket and proposed to tear off his name. I remonstrated, and indicated that I should use violence if he attempted it. He then delivered the mortgage to me, and soon after acknowledged it. I transmitted it by the next mail to the proper offices for record.

Before the expiration of my term of office, I filed a bill of foreclosure of this mortgage in the Circuit Court of the county of Genesee, which suit is now pending. In addition to this mortgage, Mr. Dewey placed in my hands three notes for five thousand dollars (\$5,000) each, made by the Flint and Pere Marquette Railroad Co., which have matured and been duly protested, and no part of which has been paid. They are endorsed by Hazelton & Co.

Mr. Hazelton also placed in my hands two notes, made by J. Pratt, of Flint—one for three thousand eight hundred and eighteen dollars and sixty-seven cents, (\$3,818 67) the other for two thousand dollars, (\$2,000,) no part of which has been paid—each endorsed by E. H. Hazelton & Co.

In addition to this, a note made by Royal Ball, of New York, for eight hundred and thirty-eight dollars and sixty-six cents, (\$838 66,) and another made by Aug. Brown, of New York, for seven hundred and fifty dollars, (\$750,) were put into my hands. These four last named securities I regard as of very doubtful responsibility. But all these securities were the best we could obtain. These mortgages cover about 10,000 acres of land.

Question. Of that 10,000 acres, is the title of all of it of record in the parties that made the mortgage?

Answer. I believe it to be so. I have caused the record to be examined by a skillful man.

Question. Is there any incumbrance on any part of it?

Answer. There is an incumbrance on some of the land lying in Genesee county, to George Bliss, of Springfield, Massachusetts. The amount of this incumbrance is eleven hundred and forty-six dollars (\$1,146.) This covers village lots in the city of Flint, and one hundred and sixty (160) acres of land lying in the county, but not in the city. There is another incumbrance amounting to some four hundred dollars (\$400) on a small portion of the land.

Question. Will you state what this property covered by the mortgage consists of?

Answer. It consists of farming lands, timber lands, and includes some valuable city property in the city of Flint.

Question. By farming lands do you mean cultivated farms?

Answer. I mean such lands as are in use as farms in the State of Michigan.

Question. What proportion of it is of that kind of land?

Answer. I do not know. I have never visited the lands.

Question. Is there litigation about the title to any of these lands other than the incumbrances?

Answer. I know of no pending litigation.

Question. Why did you take the title of this property to the people of the State?

Answer. Because I regarded the State as the creditor, and because I was anxious to guard against the contingency of any State agent or trustee proving false to his trust, or in any way periling the claim, and this I suppose to have been the safest way of taking the security.

Question. Did you consider the transaction between Mr. McKinney and Hazelton & Co., touching the \$50,000 lent, as within Mr. McKinney's authority as Treasurer?

Answer. My answer is, I have already stated that I regarded the pledging of the bonds as collateral, or the transfer of them upon a mere credit, as unauthorized by the statute creating the loan.

Question. Did you understand that by taking the security to the State in the name of the people, that the relation of Mr. McKinney and his bondsmen to the State, were in any way affected or changed by it?

Answer. I had no such understanding, and never have had. Not one word was said by Mr. McKinney to that effect, at the time security was taken, and no one who participated in the transaction, ever intimated any such thing; and my opinion is, that it in no wise affects the liability of Mr. McKinney and his sureties, under his official bond.

February 1, 1861.

DANIEL BALL, SWORN.

Question. Mr. Ball, have you been sometime acquainted with E. H. Hazelton & Co.?

Answer. Yes, sir, since 1857.

Question. What were your relations with E. H. Hazelton & Co., about the time of the negotiation of the canal bonds in 1859?

Answer. The only business I had with them was, they were our correspondents in Detroit.

Question. Did they keep a banking office in Detroit?

Answer. Yes, sir.

Question. Did they keep one in New York?

Answer. Not that I know of.

Question. Did you have any conversation with them, or in any other way have any knowledge of bids which were either put in, or proposed to be put in for the canal loan?

Answer. Mr. Hazelton mentioned to me that he was going to bid, or had bid, and it is my opinion it was the same day or the day before the bids were to be closed.

Question. Did he tell you what he was going to bid, or what his motives were for bidding for that loan?

Answer. He did not.

Question. Did you ever hear him say, or anybody connected with him say, what he wanted of those bonds?

Answer. I did not.

Question. Did you ever hear him or Mr. McKinney speak of a project they had of establishing a bank in this place of Lansing?

Answer. I don't think I ever did.

Question. Did you hear Mr. Dewey speak of such a project?

Answer. No, sir.

Question. Did you ever hear any conversation about establishing a bank here at Lansing?

Answer. I think Mr. Hazelton told me that Mr. Whitney Jones was going to start a bank here under the general banking law, and I think Mr. Jones also told me the same.

Question. Were they both together when they told you this, or were they separate?

Answer. I think they were separate. It was in New York city. I will not be positive about Mr. Jones having told me so, but I think he did.

Question. When was this conversation?

Answer. I couldn't state. It was in the month of June or July, 1859, I can't say which. It was in the latter part of June or first of July when I was in New York.

Question. How long were you in New York city?

Answer. I think about four weeks.

Question. Where did you stop in New York?

Answer. At the Astor House.

Question. Where did Jones and McKinney stop?

Answer. At the St. Nicholas.

Question. Was Governor Wisner there at that same time?

Answer. I recollect of seeing Governor Wisner, Mr. Jones, Mr. Holmes and Mr. McKinney there, but am not certain that it was at that time.

Question. What suggested the conversation about the bank?

Answer. Mr. Hazelton asked me some questions about those bonds, and said that some question had been raised about their constitutionality.

Question. Do you recollect any conversation with Whitney Jones at any time subsequent to that period, about starting a bank here?

Answer. I met him subsequently and asked him about it. I do not remember what he said, but I know he assented to the idea of his starting a bank, but he did not tell who were his associates. Afterward Hazelton came to me

and wanted to borrow five or six hundred dollars (\$500 or \$600), and stated it was for those parties or some of them. I lent them the money on a sixty or ninety days' note, upon which were the names, either as maker or endorser, of Mr. McKinney, Mr. Holmes, (I think) Whitney Jones and Hazelton & Co., and one or two others living in this city.

Question. Did any of them tell you then, or afterward, what that money was for?

Answer. Mr. Jones and Mr. McKinney called upon me in the city of Detroit, and both of them told me I should have the money on the note; that it had been borrowed to buy a safe or vault with, and some other parties had not met their engagements, and the safe or vault was left on his hands. I do not know whether Jones or McKinney made this remark.

Question. In whose hands is that note?

Answer. In J. W. Longyear's, of this city.

Question. Do you live at Grand Rapids?

Answer. Yes, sir.

Question. What is your business?

Answer. I am a Banker.

Question. Did you ever tell Mr. Jones or Mr. McKinney, that if they started a bank here, it would not succeed?

Answer. I do not recollect of doing so, though very probably I may have done so, as I thought a bank would not succeed here.

February 1, 1861.

SILAS M. HOLMES, SWORN.

Question. Mr. Holmes, among the cash items transferred by the late State Treasurer to Mr. Owen, present State Treasurer, is a certificate of deposit of Howard, Smith & Co., for one hundred and nineteen dollars (\$119.) Was this in the Treasury at the time you were Treasurer?

Answer. It was. It was transferred by Mr. Bailey, the Deputy State Treasurer under Mr. Whittemore, to me, at the time I received the funds from the department, January 1, 1855.

Question. There is also a draft of B. C. Whittemore, drawn on J. C. Bailey, Deputy State Treasurer, that was transferred by the late Treasurer to Mr. Owen. Was this draft in the Treasury as a cash item when you were State Treasurer?

Answer. It was. It was received from my predecessor at the same time, January 1, 1855.

Question. Do you know why this was not accepted?

Answer. I never succeeded in getting it accepted, nor could I get the money on it. I made repeated efforts to do so.

Question. When you transferred the cash and books of the office to your successor, as State Treasurer, was Mr. C. L. Anthony, of New York, indebted to the State Treasurer, either by note, acceptance, or account; and if so, was it counted as cash in the Treasury?

Answer. He was.

Question. What was the amount of this indebtedness?

Answer. About fifteen thousand dollars, (\$15,000,) sir.

Question. Has that indebtedness been fully paid?

Answer. It has.

Question. Has the interest on it been paid?

Answer. I think the statement was made up and paid for 1859. I do not know whether it was in 1860.

Question. Are you sure it was made up in 1859?

Answer. I am quite confident it was, and paid.

Question. Do you know that the interest up to January, 1859, has been paid?

Answer. Yes, sir, I know that has been paid.

Question. Do you know the amount of such interest?

Answer. It was about eleven hundred dollars. (\$1,100.)

Question. Do you know when this interest was paid?

Answer. I do not exactly. There was some paid in January, and some in July, I think.

Question. Can you tell me the exact amount that was due from Mr. Anthony when you transferred the books to your successor?

Answer. I cannot tell the exact amount. It was about fifteen thousand dollars. (\$15,000).

Question. Can you tell the dates of the several amounts that have been paid on that since?

Answer. No, I cannot.

Question. Do you think there has been any interest paid for 1860?

Answer. I do not think there has.

Question. During the time you were State Treasurer, on what books were the accounts kept with the banks and various depositories of the money of the State?

Answer. On ordinary blank books of perhaps four or six quires.

Question. Were those books left in the office, and transferred to your successor in office with the other books and papers?

Answer. They were.

Question. Were none of them taken away?

Answer. No, sir.

Question. Were you in New York with Mr. McKinney at the time the bids were opened for the canal loan?

Answer. I was there at that time.

Question. What time in the year was that?

Answer. I think it was in May.

Question. How long was it after the bids were opened before the bonds were transferred to the bidders?

Answer. They were transferred in July, I think.

Question. Were you in New York in July when they were transferred?

Answer. Yes, sir.

Question. Who of the State officers were there at the same time?

Answer. I think none but Mr. McKinney.

Question. How long was you there at that time?

Answer. I think about a week.

Question. Did you come home before Mr. McKinney?

Answer. I think I did.

Question. Did Mr. Jones come home with you?

Answer. I think he did not.

Question. Did you know, at that time, of the arrangement made by Mr. McKinney with Hazelton & Co., to leave \$50,000 in their hands?

Answer. I may state, in answer to that, that having seen Mr. McKinney soon after that, he stated that Hazelton & Co. would not be able to pay the whole amount of the loan, stating that Mr. Hazelton had told him that there was a report in circulation, in Wall street, that the bonds were unconstitutional, that the State had no power to issue them; that it affected the value of the bonds so that he was not able, at that time, to complete certain negotiations that he had made to take them. He said that Hazelton proposed to pay half of the amount at that time, and would pay the balance within, I think it was, three or four weeks. He (Hazelton) requested that Mr. McKinney should make a deposit with him of the balance.

Question. Do you recollect whether, while in New York, you and Mr. McKinney and Mr. Jones talked that matter over together.

Answer. I had conversation with Mr. McKinney on the subject. He spoke to me about it. My reply was that he had better obtain the money for the whole amount of the bonds.

Question. Do you recollect of having had any conversation with Mr. Whitney Jones about that matter, and know his advice about it?

Answer. I don't remember. There was more or less conversation about it.

Question. Were you and Mr. Jones frequently together while in New York?

Answer. We were.

Question. While together, was not this matter of the \$50,000, the subject of conversation among the three?

Answer. It was.

Question. Did Mr. McKinney conclude the arrangement with Hazelton & Co. before you left New York?

Answer. He did.

Question. When you left New York, you knew that Mr. McKinney had left \$50,000 with Hazelton & Co.?

Answer. I did.

Question. Did Mr. Jones know the same thing?

Answer. He did.

Question. How soon did you get home from New York?

Answer. In about a week or ten days.

Question. Did you ever have any conversation with Governor Wisner, or the Auditor General, relating to that transaction in New York?

Answer. No, sir; I did not.

Question. Did you meet those gentlemen frequently in Detroit during the summer and fall?

Answer. I met the Attorney General almost every day when at Detroit, although I was absent considerable of the time.

Question. Did Mr. Howard know that you had been in New York with Mr. McKinney?

Answer. I do not think he did.

Question. Do you mean to say, that during that summer and fall, in your intercourse with the Attorney General, the transaction of the \$50,000 was never alluded to between you?

Answer. It was not.

Question. How much of that summer and fall were you absent from Detroit?

Answer. The most of the time. I think the balance of July, after I returned from New York, the month of August, and most of the months of September and October.

Question. Do you mean to say that you were absent continually during that time?

Answer. No, sir, I was absent off and on, but most of the time absent.

Question. Have you a copy of the receipt that Mr. McKinney gave you when you left the office?

Answer. I have not.

Question. Have you got the original here?

Answer. I took a general receipt of him for the cash balance without specifying any items.

Question. Among the cash for which you took a receipt, were those items of the Whittemore draft, Smith, Howard & Co.'s acceptance, the Anthony debt, and other things of like nature, counted and receipted for as cash by Mr. McKinney?

Answer. They were.

Question. Do you remember how much money there was in the Treasury when you became Treasurer?

Answer. My impression is there was about five hundred thousand dollars. (\$500,000.)

Question. Where did you keep that money?

Answer. In the Peninsular Bank, Michigan Insurance Bank, some in the Farmers' and Mechanics' Bank, and occasionally I had some in New York.

Question. With whom was it kept in New York?

Answer. At times, I deposited some in the Phenix Bank, with Mr. Anthony, the Williamsburgh City Bank and the Artisans' Bank.

Question. Did those banks and depositories pay interest on that?

Answer. The banks did not pay interest; the Anthony account did.

Question. Did not those banks pay *you* interest?

Answer. No, sir.

Question. Did you never receive any profits from those deposits, directly or indirectly?

Answer. No, sir.

Question. Did the house of Holmes & Co.?

Answer. No, sir.

Question. Were Holmes & Co. accustomed to have their paper discounted at the banks where those deposits were kept?

Answer. They did at the Williamsburgh City Bank, and at the Peninsular Bank?

Question. How much money—the largest amount—was ever at any one time deposited with Anthony?

Answer. Sixty thousand dollars. (\$60,000.)

Question. Mr. Anthony paid interest on that?

Answer. Yes, sir.

Question. Did that interest go into the State Treasury?

Answer. Yes, sir.

Question. All that he ever paid?

Answer. Yes, sir. I have not received any interest on any money from deposits of the State Treasury.

Question. How came this money to be deposited? What was his business?

Answer. He was an Exchange Broker.

Question. What was the largest amount that was ever deposited in the Williamsburgh City Bank, at any one time?

Answer. Thirty or forty thousand dollars. (\$30,000 or \$40,000.)

Question. How much in the Peninsular Bank?

Answer. One hundred and fifty, to two hundred and fifty thousand dollars, and upwards.

Question. What discount and interest did Holmes & Co. pay on their notes at the Peninsular Bank?

Answer. Seven per cent., the legal rate of interest.

Question. Was the interest always exacted and paid?

Answer. Yes, sir; in every instance.

Question. And was it the same at the Williamsburgh Bank?

Answer. Yes, sir.

Question. And always exacted and paid?

Answer. Yes, sir.

Question. Was there a sale of bonds during your administration?

Answer. Yes, sir.

Question. How much?

Answer. Two hundred and sixteen thousand dollars (\$216,000) one amount, and fifty thousand dollars (\$50,000) another.

Question. What did those bonds sell for?

Answer. The \$50,000 sold at par, the \$216,000 at, I think, one and an eighth or one and a quarter per cent. premium.

Question. Where was the money paid for those bonds?

Answer. It was all paid in New York?

Question. Was that money used in New York—all of it?

Answer. It was, to pay for bonds maturing, and interest on bonds.

Question. Was that premium paid into the State Treasury?

Answer. No, sir.

Question. What became of it?

Answer. It was never paid to me.

Question. Why?

Answer. The parties who took the loan declined to pay it on account of the difficulty they had in negotiating the bonds at the time, in making their payment, and I needed the money at the time, and therefore negotiated it without the premium.

Question. Who were those bonds sold to.

Answer. Hazelton & Co.

Question. Did they set up any unconstitutionality to that loan?

Answer. No, sir.

Question. Were there any other bids beside that of Hazelton & Co.?

Answer. Yes, sir. There were three or four bids.

Question. At what rates?

Answer. They ranged from one-half of one per cent to one per cent premium.

Question. Were those parties responsible?

Answer. My impression is they were, sir.

Question. Was their alleged inability to pay the premium, the only reason it was given up?

Answer. The bonds were delivered in New York, and paid for in New York, all except the premium, which I supposed would be subsequently paid. They afterward declined to pay it, stating they had had hard luck; and it has never been adjusted.

Question. Was there ever anything paid to you, either directly or indirectly, for that premium?

Answer. No, sir.

Question. Did you ever, from exchange for the transmission of money, belonging to the State, to New York or elsewhere, derive any profit to yourself?

Answer. I cannot say definitely. I might in some instances have derived something, I cannot say whether I ever did receive any benefit or not. If I did, it must have been very small.

Question. When you were in New York, at the time of the transaction with Hazelton & Co., about the \$50,000, did you tell McKinney of the refusal of Hazelton & Co., to pay the premium on the former loan?

Answer. I did not.

Question. At that time was there any discussion or con-

versation with McKinney or Hazelton & Co., or Whitney Jones, about establishing a bank at Lansing?

Answer. I heard some conversation between Mr. Hazelton and Mr. Jones in regard to a bank.

Question. What was that conversation?

Answer. I do not recollect.

Question. Who were to be the parties?

Answer. Mr. Dewey, Mr. Hazelton, Mr. Jones, and, I think, Mr. Platt and Mr. Tooker. Mr. McKinney was not to be interested in any way, that I know of.

Question. Were you to be interested in any way?

Answer. No, sir.

Question. Who was this Mr. Platt, and Mr. Tooker?

Answer. Mr. Platt was President, and Mr. Tooker was Cashier, of the Artisan's Bank.

Question. How was the account of Mr. Anthony kept?

Answer. On a memorandum book—not on a book of record.

Question. Was this book left in the office of the Treasurer when you left there?

Answer. Yes, sir.

Question. Did you take from the office, when you left, any memorandum book, on which accounts were kept?

Answer. No, sir.

Question. Do you know what became of that book?

Answer. I suppose it may have been sent to me.

Question. Have you got that book now?

Answer. I think I have.

Question. Will you place that book in the hands of this committee?

Answer. I will endeavor to do so.

Question. Did you, while State Treasurer, receive interest on various specific taxes, when not paid when due?

Answer. I did. It was paid into the Treasury.

Question. Were there various interest accounts kept on memorandum books?

Answer. No. They were made up by the Deputy Treasurer, and credited on the books of the treasury.

Question. When was the contract let for the repairs on the Sault Canal?

Answer. I think the contract was let in the month of May, 1859.

Question. Was that contract let by advertisement or specifications?

Answer. It was let by advertisement in two daily papers in Detroit.

Question. Who were the successful bidders?

Answer. Myself and Nelson W. Clark.

Question. Who were the parties representing the State in that contract?

Answer. The Governor, the Auditor General and the State Treasurer, I think, were the Board of Control.

Question. Were there any bidders beside yourself and Mr. Clark?

Answer. There were quite a number. I don't know who they were.

Question. Where does Mr. Clark live?

Answer. At Clarkestown, Oakland county.

Question. Will you state what led to the association between yourself and Mr. Clark in that transaction?

Answer. An application on the part of Mr. Clark, to join with me.

Question. Had you been acquainted with Mr. Clark before?

Answer. Yes, for several years.

Question. How did Mr. Clark know you were going to bid?

Answer. I think he learned it of Mr. Chapel, first.

Question. What was the amount of the contract?

Answer. I think it was seventy-two thousand dollars, (\$72,000.)

Question. Will you state, in general terms, the work to be done?

Answer. Putting in a guard lock, building a pier at the head of the canal, building an embankment and wall along the south side of the canal from the ship basin to the lower end of the upper lift lock, and the removing of the caisson gate, and abutments and rock excavation.

Question. Has the work been done?

Answer. It has.

Question. What is the amount of profit to the contractors?

Answer. I cannot tell.

Question. When was the work done?

Answer. It was finished in June last.

Question. Can you tell what the work cost?

Answer. I decline answering that question.

Question. About how much were the profits on that work?

Answer. I decline to answer.

Question. Did you ever have any conversation with Governor Wisner about the propriety of associating yourself with Mr. Clark?

Answer. Never.

Question. Did Mr. Clark ever intimate to you that it would be agreeable to Governor Wisner if he should be associated with you in the contract, or anything of a similar nature?

Answer. He did not.

Question. Was such an intimation, or an intimation to that effect, ever given to you from any quarter?

Answer. No, sir.

Question. Do you know whether the \$72,000, bid by Clark & Holmes, was the lowest bids?

Answer. I am not able to say.

Question. Who was Auditor General?

Answer. Mr Case.

Question. Was either of the parties of the board of control interested in any way, directly or indirectly, in the profits of that contract.

Answer. They were not.

Question. Where was this contract let?

Answer. At Detroit.

Question. Do you know whether all the board of control were present when the bids were opened, and the contract let?

Answer. I think they were.

Question. Were you a bidder for this Sault Canal loan?

Answer. I was.

Question. Who was your principal in that bid?

Answer. The Marine Bank, of Chicago.

Question. What was your bid on that loan?

Answer. One and a fourth per cent. premium.

Question. Were you present when the bids were opened?

Answer. I was present after they were opened, the same day.

Question. Did you inform any of the State officers of Hazelton & Co. having refused to pay the premium on the former loan?

Answer. I did not.

Question. Did it occur to you, while you were there, that they ought to be informed of it?

Answer. No, I did not think of it. I did not know but I should yet get the premium.

February 5, 1861.

MR. GEORGE M. DEWEY, SWORN.

Question. Mr. Dewey, where do you reside?

Answer. At Flint.

Question. Are you a member of the firm of E. H. Hazelton & Co?

Answer. I was a member.

Question. Were you a member of that firm in June, July, and August, of 1859?

Answer. I was.

Question. Was the firm of E. H. Hazelton & Co. bidders for the canal bonds, in 1859?

Answer. It was.

Question. What premium was paid for those bonds?

Answer. I think a fraction over three per cent.

Question. Was that loan awarded to E. H. Hazelton & Co.

Answer. Yes, sir.

Question. How much was paid on that loan by E. H. Hazelton & Co., at the time the bonds were delivered?

Answer. The arrangement was, that Hazelton & Co. should place to the credit of the State Treasurer, at the Artisans' Bank, 103,000 and some dollars, and Mr. McKinney was to deposit with Hazelton & Co., fifty thousand dollars, (\$50,000) and he gave a check for it. The arrangement might have been made before, but this business was transacted at the Artisans' Bank, and there were present at the time Mr. McKinney, Mr. Hazelton, Mr. Holmes, and myself, and I think, Mr. Whitney Jones.

Question. Was the arrangement you have just alluded to carried out at the time of the delivery of the bonds?

Answer. Yes, sir.

Question. Was that check paid by the bank?

Answer. Yes, sir.

Question. Had E. H. Hazelton & Co., previous to their bid for this loan, any conversation with any parties in regard to establishing a bank at Lansing?

Answer. Mr. Hazelton told me he had had conversation with certain parties.

Question. Did he mention who these parties were? If so, will you name them?

Answer. Yes, sir. They were Mr. Platt, the president, and Mr. Tooker, the cashier, of the Artisans' Bank of New

York, Mr. S. M. Holmes, Mr. Whitney Jones, of Lansing, and E. H. Hazelton & Co.

Question. At the time of the conversation between yourself and Mr. Hazelton in regard to the establishment of a bank at Lansing, did Mr. Hazelton state to you that if the firm of E. H. Hazelton & Co., bid for these bonds, a portion of the money might be retained for the purpose of establishing that bank?

Answer. About thirty-seven thousand dollars (\$37,000) of the bonds were to be deposited with the State Treasurer as security for circulating notes, which notes were to be paid to the State Treasurer on account of a deposit to be made by the State Treasurer with E. H. Hazelton & Co.

Question. About what time was this conversation?

Answer. I think in February or March.

Question. What reason did Mr. Hazelton give you for supposing that such an arrangement might be made with the State Treasurer?

Answer. From a conversation he had with Mr. S. M. Holmes.

Question. Subsequent to this conversation and previous to the award of the loan to E. H. Hazelton & Co., did you have any conversation with the parties you have mentioned in regard to the establishing of this bank, and if so, when and where?

Answer. I had a conversation with Mr. Holmes in Detroit, in February or March, 1859, when this project was mentioned.

Question. Had you any other conversation with these parties in regard to the project of a bank at Lansing, before this arrangement was consummated in July?

Answer. I had a conversation in the last of June, in New York city, in regard to this project, with Mr. Holmes, Mr. Jones, and Mr. Hazelton. I understood from this conversation that Mr. McKinney was opposed to letting them

have the bonds without the whole of the money. This project of establishing a bank was then again talked of.

Question. How long were you in New York at the time of this conversation?

Answer. I think I was there about two weeks.

Question. Had you repeated conversations with these parties while you were there in regard to this project of a bank?

Answer. I think I had several conversations.

Question. How long were you in New York previous to the first of July, 1859?

Answer. A week or two.

Question. During this time did anything occur that led you to suppose that the arrangement mentioned by Mr. Hazelton, relative to these bonds in connection with the establishing of a bank would not be carried out?

Answer. There did not.

Question. What was done with the bonds?

Answer. They were sold in September, 1859.

Question. What price did they bring?

Answer. Ninety-eight cents.

Question. Who bought them?

Answer. Mr. Meigs and Greenleaf, of New York, bought them for Mr. Carver, of Chicago.

Question. Do you know why the project for the establishing of a bank, at Lansing, was not consummated?

Answer. Yes, sir. Because Mr. Hazelton sold the bonds.

Question. Why was not the money paid to the State for the bonds?

Answer. Mr. Hazelton sold the bonds and took the money.

Question. Were you present in New York in December, 1859, when securities were given by E. H. Hazelton & Co., for this fifty thousand dollars (\$50,000)?

Answer. I was.

Question. Are you acquainted with all the securities that were then given ?

Answer. I think not.

Question. Are you acquainted with the lands that were then mortgaged to the State ?

Answer. Some of them. I do not know how large a proportion.

Question. What quantity of lands did you yourself mortgage ?

Answer. I do not know.

Question. What are the terms of the mortgage ?

Answer. I do not know.

Question. Do you know where the lands are situated that are covered by the mortgage ?

Answer. Yes, sir, some of them.

Question. Where are they ?

Answer. In Genesee, Lapeer and Saginaw.

Question. Is the title to those lands, whatever there may be of them, good ?

Answer. I believe it is, to some of them.

Question. How large a proportion of them ?

Answer. I think my titles generally, are good.

Question. Is there any incumbrance on any of them ?

Answer. There is, but I do not know how many, nor the amount of the incumbrance.

Question. Is the section of land at Flint, which is in controversy with Mr. Campau, included in this mortgage of yours ?

Answer. It is not.

Question. Is that section of land still the subject of litigation ?

Answer. Yes, sir.

Question. Is there any entire section at Flint, or the vicinity, included in this mortgage ?

Answer. There is not.

Question. From conversation you have had with any of the parties you have named, have you any reason to suppose that Mr McKinney was interested in the project of establishing the bank at Lansing?

Answer. I had such an impression.

Question. Were you a partner in the firm of E. H. Hazelton & Co., when they took the former loan of two hundred and sixty-six thousand dollars (\$266,000) of the State?

Answer. I was.

Question. What was the rate of premium agreed to be paid on that loan?

Answer. I think about one per cent.

Question. Do you know whether that premium was ever paid?

Answer. I do not. But I have seen on the books of E. H. Hazelton & Co., money charged to S. M. Holmes, and Mr. Hazelton told me it was to apply on the premium.

Question. Have you any reason to suppose the premium was not paid?

Answer. No, sir.

Question. Was Mr. Holmes, at the time you negotiated this loan, State Treasurer?

Answer. Yes, sir.

Question. Do you know what the amount of the cash charged to Mr. Holmes was?

Answer. About thirty-eight hundred dollars (\$3,800.)

Question. Does that amount against Mr. Holmes, still stand on the books?

Answer. Yes, sir.

Question. Have you ever had any conversation with Mr. Holmes with regard to this account?

Answer. Yes.

Question. Where did that conversation occur?

Answer. Here in Lansing, the other evening, when both of us were here as witnesses.

Question. What was that conversation ?

Answer. Mr. Holmes told me that was his individual matter, and he would adjust it.

Question. How did that conversation arise ?

Answer. I do not know. But Mr. Holmes came to me and stated that.

Question. When were those charges made upon the books ?

Answer. In the years 1858-9.

Question. Have you had any direct conversation with Mr. Hazelton, in relation to this account against Mr. Holmes ?

Answer. Mr. Hazelton either told me, or wrote to me, that the account was to apply on the premium, and for this reason, Mr. Holmes was not called upon to pay it.

February 7, 1861.

WHITNEY JONES, SWORN.

Question. Were you acquainted with the circumstances connected with the Canal loan ?

Answer. I knew nothing about them till long after the sale of the bonds.

Question. What knowledge did you afterward get, and from whom ?

Answer. I think I gained my first knowledge from the newspapers.

Question. Did you ever inquire of Mr. McKinney who were the rival bidders ?

Answer. I did not, and don't know till this day.

Question. Were you in New York with Mr. McKinney, when he went down to deliver the bonds ?

Answer. I was.

Question. How long a time were you there, then ?

Answer. I went down in the latter part of June, and staid till after the first of July. I think I was there till the fourth.

Question. Was Mr. Holmes there?

Answer. Mr. Holmes came down in the first of July, sometime.

Question. Did you and Mr. Holmes, and Mr. McKinney, stop at the same house.

Answer. Mr. McKinney and I stopped at the same place. I am not certain whether Mr. Holmes stopped at the same place, or not.

Question. Were you acquainted at that time with the arrangement made between Mr. McKinney and Hazelton & Co.

Answer. Yes, sir.

Question. Will you state what that arrangement was?

Answer. About the first of July, or a few days previous, Mr. McKinney told me he feared Hazelton & Co. were not going to be able to take the bonds, and asked my opinion as to what should be done in case they refused to take them. I asked him what reason they gave for not taking them according to their bid, and he said they told him there were parties from Michigan that had been writing to Thompson, of N. Y., and to Horner or Corning, of Albany, that the State had no right to make such bonds under the Constitution. I told him, then, I would like to have a talk with Mr. Hazelton, in his presence,—who seemed to be the principal man—and was invited into the room, when Mr. Hazelton came, the same day. I stated to Mr. Hazelton what Mr. McKinney had said to me, and asked him if he would give me the names of the parties who had written and who had received such letters. He stated that Mr. Thompson, of New York, had received a letter from Mr. Alex. W. Buel of Detroit, and that Mr. Horner or Mr. Corning, of Albany, had received an opinion from H. N. Walker of Detroit. I asked him how he knew; if he had his information from the parties receiving the letters? He told me had learned from Mr. Thompson of the receipt of the letter from Mr. Buel; that he had got the informa-

tion of Mr. Horner or Corning having received such a letter from Mr. Murphy, of Jonesville, of this State. Mr. Murphy was at that time in the St. Nicholas. I went to the room where he was, and asked him the question direct. He told me he was informed a day or two before, that there was such a letter in Albany, giving the opinion of Mr. Walker.

I then returned to the room again where Mr. McKinney and Mr. Hazelton were. Mr. Hazelton said, from the depreciation of the bonds in consequence of these letters having been received by these parties, that they would not be prepared to take the loan in accordance with their bid, unless Mr. McKinney would make a deposit with them in their bank, in Detroit. At this time Mr. McKinney said that would be out of the question.

Subsequently, and I think the same day, Mr. S. M. Holmes and Mr. E. N. Wilcox talked the matter over with reference to the situation the State would be in if the bonds were not sold. We all thought it important that they should be taken at the bid. Mr. Holmes expressed the opinion that it would be safe to make a deposit with Hazelton & Co. He stated that he had negotiated between two and three hundred thousand dollars with them; that they had dealt honorably, and according to agreement with him. Mr. Holmes and I then called upon Mr. McKinney, and advised him, if he could make it perfectly secure, to make the deposit. He finally agreed to make the deposit if the name of Mr. Holmes, Mr. Dewey and myself would go on to the bond.

Afterward, I stated to Mr. Hazelton, when Mr. Holmes and I were together, if he would get Mr. Tooker upon the bond—who was to hold the bond—we would sign with them. That was the understanding. The bond was drawn by Mr. McKinney, signed by Mr. Dewey, Mr. Holmes and myself.

That is, as far as I know, anything about it. They took

the bond and started for the bank to make the arrangement. I supposed Mr. Tooker was to have signed the bond at the bank, but he never did sign it.

Question. What bank was that?

Answer. The Artisans' bank.

Question. How long did you remain in New York after this?

Answer. I was there four, five or six days, and perhaps longer. I can't say exactly how long.

Question. Did you return directly to Michigan when you left New York?

Answer. Yes, sir.

Question. Did Mr. Holmes return with you?

Answer. I think not, but can't state positively.

Question. Did you ever mention this transaction of Mr. McKinney and Hazelton & Co. to any one on your return to Detroit?

Answer. I do not know as I ever did.

Question. How long was that deposit to remain there?

Answer. They supposed they would want it but a few days. My impression is, it was some ten or fifteen days. Mr. Hazelton stated to me before the deposit was made, that he had negotiated the bonds with the cashier of some bank in Chicago; that he had to get the bonds—that is, they had to go up to Illinois to get the currency—and they simply wanted the time to make the exchange—to get the money for the bonds—then it would all be paid up.

Question. Do you remember the condition of the bond you signed for Mr. McKinney?

Answer. I cannot tell you, neither did I read the bond.

Question. Did you never, in the course of the summer, inquire of Mr. McKinney whether that money had been paid?

Answer. No. I do not recollect of having seen Mr. McKinney during that summer.

Question. How did you find out that the money had not been paid in October ?

Answer. I was told it by Mr. McKinney. I was in Mr. McKinney's office when he received a letter from Mr. Dewey, requesting him not to draw for the money, as it would not then be paid.

Question. Were you in the Artisans' Bank on the first day of July ?

Answer. I was not.

Question. Was there anything said about the bank at the Capital, while you were in New York ?

Answer. Yes, sir.

Question. Was there anything said about it before the first of July ?

Answer. Yes, sir, I think there was, but am not certain with reference to the exact date, whether it was before or after that time.

Question. Between what parties was that conversation ?

Answer. I had conversation with Mr. Dewey, Mr. Tooker, and Mr. Platt, but not with McKinney and Holmes.

Question. Why was that bank not established ?

Answer. Because Mr. Platt, who was to have been one of the incorporators, never signed the articles of association. He was to have done so but refused.

Question. Who did sign those articles ?

Answer. Mr. Hazelton, Mr. Tooker, Mr. Dewey and myself.

Question. Did you know anything of the letting of the canal contract ?

Answer. I did not.

Question. What induced you to sign the bond to McKinney for the payment of the \$50,000.

Answer. I believed it to be very important to the interest of the State to have the repairs made to the canal. That was the only consideration.

Question. Did you at that time consider yourself a citizen of Michigan?

Answer. Yes, sir.

February 16, 1861.

WHITNEY JONES, RECALLED.

Question. Were you one of the State officers of this State at the time that two hundred and sixty-six thousand dollars (\$266,000) of bonds, were sold by Mr. Holmes, the State Treasurer, to Hazelton & Co.?

Answer. I was.

Question. What position did you hold in the Government?

Answer. I was Auditor General.

Question. All the moneys that went into the Treasurer's office, went through the Auditor's books, did they not?

Answer. They did.

Question. Did the State Treasurer receive the premium on that \$266,000?

Answer. It was never reported to me.

Question. What was the amount of that premium?

Answer. I don't recollect, now.

Question. When were those bonds sold?

Answer. It was some time in the spring or summer of 1858.

Question. If that premium had been received by the treasurer, ought not it to have been reported to the Auditor General?

Answer. It had.

Question. When you were in New York, in July, 1859, with Mr. Holmes and Mr. McKinney, didn't you know that that premium had not been paid?

Answer. I knew that it had not been reported while I was in office, but did not know that it had not been paid.

Question. When did you ascertain that it had not been reported while you were in office?

Answer. In the winter of 1858-9.

Question. What caused you then to ascertain that it had not been reported while you were in office?

Answer. Mr. Henry Barns, of Detroit, inquired of me if it had been paid.

Question. Did Mr. Barns tell you what led him to make that inquiry?

Answer. I don't think he did. I don't remember that he did.

Question. Do you know that there was any feeling existing between Mr. Holmes and Mr. Barns at that time?

Answer. I know that there was some feeling on Mr. Barns' part against Mr. Holmes.

Question. Now, when you and Mr. Holmes and Mr. McKinney were in New York together, in the next month of July, and when you urged Mr. McKinney to deposit with Hazelton & Co. \$50,000, did you tell Mr. McKinney that Hazelton & Co. hadn't paid the premium on the first loan of \$266,000 according to contract, while you were Auditor General?

Answer. I was not aware that they had not paid it at that time.

Question. You were aware that it had not been reported to the Auditor General's office as paid, while you were in office, were you not?

Answer. I was.

Question. Did you at that time in July, in New York, inform Mr. McKinney, that so long as you remained in office, it had not been reported at the Auditor General's office that that premium had been paid?

Answer. I did not. It was not spoken of at the time to my remembrance.

Question. Did you at that time inquire of Mr. Holmes when he stated to you that Hazelton & Co. were honor-

able men and lived up to their contracts, whether that premium had ever been paid?

Answer. I did not.

Question. Did Mr. Holmes go out of office at the same time that you did?

Answer. He did.

Question. Was there not a settlement of both his account and yours at that time?

Answer. There was a settlement with Mr. Holmes by the succeeding administration.

Question. Was it not after that, that Mr. Barnes made this inquiry of you, and you made the examination whether the premium had been reported?

Answer. I think it was.

Question. Do you now say that when Mr. Holmes was representing Hazelton & Co. as men that lived up to their contracts, you never made any inquiry, nor did Mr. Holmes say anything about that premium?

Answer. I have no recollection of having talked with Mr. Holmes on the subject of the premium, until after the failure of Hazelton & Co. to pay the deposit made by Mr. McKinney.

Question. What conversation then passed between you and Mr. Holmes on the subject?

Answer. At the time of the meeting of the Board of State Auditors in December, 1859, the subject came up here. It was stated by some one here, I think it was Mr. Case, that that premium had not been paid or reported at the office. A few days after, in Detroit, on my way to New York again, I saw Mr. Holmes, and inquired of him why the premium had not been reported to the Auditor General. He said that he had found, on looking over his accounts, that it had not been paid to him.

Question. What took you to New York at that time, in July, 1859?

Answer. I went there at the request of Mr. McKinney.

Question. Did you have any conversation with anybody about that time?

Answer. I don't know, sir.

Question. Did you ever make the inquiry of Mr. McKinney if he would deposit with the Bank of the Capital if it should be established?

Answer. I did.

Question. What was the understanding between you and Mr. McKinney on the subject.

Answer. I said to Mr. McKinney, that certain persons were endeavoring to start a bank at the Capitol, if we got it under way while he was in office, we should expect a deposit of State funds in the bank. He said if we established a sound bank here, such an one as would be safe to deposit with, he would make a small deposit, but that it was not likely that there would be much money in the Treasury during his administration of the office.

Question. What did Mr. McKinney want you to go to New York for at that time?

Answer. He said to me, that he wanted me to go down to aid him; that he had feared that Hazleton & Co. would not take the bonds in accordance with their bid.

Question. Did you see Mr. Jacob M. Howard frequently that summer, between July and December?

Answer. I don't remember of seeing him but few times. I have no recollection of seeing him but twice. The first time I saw him was in New York, in October, I think.

The last time I think I saw him sometime in November.

Question. The first time you saw him was there anything said between you and him about this loan of Hazleton & Co. about the \$50,000?

Answer. I had supposed that I did speak to him about it at that time, but Mr. Howard assured me in December following that he had no recollection of my mentioning the subject to him. He was then in the Phoenix Bank case, and constantly engaged while I was there.

Question. Did you have any conversation with anybody else at Lansing or Detroit about that \$50,000 deposit, during that same time?

Answer. I don't recollect of having any conversation with anybody but Mr. McKinney.

Question. Did Mr. McKinney pay your expenses to New York at the time you went down with him in June and July, 1859?

Answer. Yes, sir. And Mr. McKinney informed me it was allowed by the State Board.

Question. What reason did Mr. McKinney give for apprehending that the bonds would not be taken by Hazelton & Co.?

Answer. I cannot say certain that he gave me any reason, but I have an impression that he had had a letter from them that caused doubts in his mind.

February 7, 1861.

DANIEL L. CASE, SWORN.

Question. Where do you reside?

Answer. In the city of Lansing.

Question. Were you the Auditor General of the State, during the years 1859 and 1860?

Answer. I was.

Question. Do you know who were the bidders for the repairs done on the Sault Canal?

Answer. I don't think I can name them, except two, Messrs. Clark & Holmes and Messrs. — Williams & Co. The bids were handed in in writing and taken by the Governor, who was Chairman of the Board of Control.

Question. Whose bid was accepted, and who became the contractors?

Answer. Messrs. Clark & Holmes.

Question. Was the bid of Clark & Holmes the lowest bid?

Answer. No.

Question. Were there more than one bid lower than Clark & Holmes?

Answer. Yes; I think there were two.

Question. Do you recollect the amounts of these two lower bids than Clark & Holmes?

Answer. I think one was between sixty-five and sixty-six thousand dollars, and one was between sixty-nine and seventy thousand dollars.

Question. Do you recollect the names of those two persons who made these two lower bids?

Answer. I do not.

Question. Why was the bid of Clark & Holmes accepted instead of the lower ones?

Answer. The reason was, it was deemed to be for the interest of the State.

Question. Can you tell the amount of the bid of Clark & Holmes?

Answer. Seventy-two thousand dollars (\$72,000.)

Question. Were the Board unanimous in their decision in awarding the contract to Clark & Holmes?

Answer. They were.

Question. Did they give security for the fulfillment of the contract, and what was the security?

Answer. Yes, sir. My impression is, it was a guaranty, and one of the guarantors was Mr. Philo Parsons, of the firm of Parsons & Johnson, of Detroit. I considered the securities offered by Clark & Holmes, as altogether preferable to any others offered.

Question. Do you remember when the bonds were sold, for the canal loan?

Answer. I have a general knowledge. They were advertised for bids in April. The bonds were to be delivered in July.

Question. When did you first learn that Mr. McKinney had left \$50,000 with Hazelton & Co.?

Answer. The first actual knowledge I had was on the evening of the second day of December, 1859. I had had intimations before, but could get no positive knowledge.

Question. How long before that did you get intimations that the money was not safe?

Answer. A gentleman asked me in New York if I knew where our money was kept. I told him I supposed it was in the Artisans' bank. He said the Artisans' Bank was a small bank, and not such an institution as we ought to deal with. He professed to know something about the transaction of the State Treasurer that he was not at liberty to tell. He said our State Treasurer ought to keep out of Wall Street, for he was not sharp enough.

Question. Did the Treasury department ever report to you that this amount of \$100,000, and the premium for which the bonds were sold, were in the Treasury, and subject to your warrant? If so, when?

Answer. They did report, in the latter part of August, that the money was in the Treasury, and it was charged over to the Treasurer upon the books of the Auditor General, but does not appear on the books till the first of September.

Question. What officer in the Treasury department reported this to you?

Answer. The Deputy State Treasurer, and the report was, it was a hundred and three thousand and some dollars.

Question. Did you ever have any conversation with Mr. McKinney, on the subject of the Hazelton loan, previous to December?

Answer. The only conversation I ever had with him on that subject, was at the close of the fiscal year, late in December, when the Board of State Auditors examined his account for settlement for that year.

Question. Did the contractors for repairs on the Sault Canal do extra work? If so, how much was paid them for such work?

Answer. There was extra work done by the contractors, under the contract, to be estimated by the Engineer, and was by him estimated at four thousand two hundred and seventy-five dollars, (\$4,275,) and which was paid.

Question. Was there any allowance made to the contractors by reason of any change made in the contract providing that work should be done in winter instead of summer?

Answer. There was for all the inside work of the Canal, which was contracted to be done in the fall, but was, by the new arrangement, done in the winter, for which they claimed some sixteen thousand dollars (\$16,000). At first the Board was unanimous in the opinion that only about six thousand dollars (\$6,000) should be paid. At the close of the season I got the impression—I think from Mr. Holmes—that Mr. McKinney would allow ten thousand dollars (\$10,000). At that time the Governor refused, and in the several interviews we had on the subject we were agreed not to give the \$10,000. Afterward the Engineer having estimated the extra cost at \$16,000, as the Governor stated to me, the Governor and Mr. McKinney signed the arrangement to settle at that price, and wrote to me to that effect, enclosing the contract for my signature.

Question. You say you examined Mr. McKinney's accounts in 1859, at the close of the fiscal year in December?

Answer. In our settlement in 1859, with the State Treasurer, we had the Deputy before us as a sworn witness. He informed us of what the amount in the Treasury consisted and where it was deposited, and gave us all the information as to the moneys in the Treasury we required.

Question. Did you get the same information in December, 1860?

Answer. We organized the Board and called upon the Treasurer for the same information, which he refused to give us. He allowed us full liberty to examine the books and vouchers of the Treasury, but refused to give any in-

formation as to what the funds consisted of, and where they were kept, stating that he and his bail were alone responsible for the safe keeping and paying out of the money. The Board then ordered the Chairman, Mr. N. G. Isbell, to communicate the fact to the Attorney General, and ask his opinion as to how we were to obtain the information sought. The Attorney General communicated his opinion in writing, instructing the Board that it had full power to settle and adjust all claims between the State Treasurer and the State, but they had no power to compel an exhibit of the moneys in the Treasury, or to compel him to inform us where it was deposited and kept.

Question. Do the books of the Auditor General show that the Treasurer received, in the year 1859, any sums of interest?

Answer. The amount in my report, which I believe to be correct, is three thousand one hundred and ten dollars and seventy-four cents (\$3,110 74.)

Question. Do you know from what sources this interest was received?

Answer. I do not, and have no means of knowing, only as it is reported to the Auditor General. The Auditor General's books only show the gross amounts as reported by the Treasurer.

Question. What amount of interest does the Auditor General's books show to have been received in the year 1860?

Answer. I think there was none reported by the State Treasurer. On examining my report for the year, I find none reported, and I think the Deputy State Treasurer told me he had not received the statements of the banks for that period.

Question. Did the Treasury department report to the Auditor General the payment of the specific tax for the years 1859 and 1860, of the Detroit and Milwaukee Railroad Company?

Answer. For 1859, the Detroit and Milwaukee Railroad Company paid the specific tax. For 1860, to the close of the fiscal year, it was not reported to me as paid, and the books of the Auditor General do not show it to have been paid, but Mr. McKinney stated to me that he had made arrangements with the Detroit and Milwaukee Railroad Company by which he would realize it.

Question. Did the Auditor General issue warrants for the interest on \$13,000 Penitentiary bonds?

Answer. The Auditor General issued his warrant on the award of the Board of State Auditors for the amount.

Question. Do you know the amount of interest so paid?

Answer. It was six per cent on \$13,000 in two items, and exchange on New York.

Question. To whom did you deliver the warrants?

Answer. To Theodore Hunter, Deputy State Treasurer.

February 8, 1861.

Mr. John McKinney being before the Committee was asked to be sworn, when, addressing the Chairman, he requested to know first, the authority by which the Committee act. The joint resolutions of the Senate and House of Representatives, creating the Committee and defining its authority, being read and stated to him, he inquired if the Committee had a "certified copy of those resolutions." He was answered that they had not. He then replied: "I don't see how you can proceed without them."

He was again asked to be sworn, when he requested to see the form of the oath. This was handed him, which he read, and then remarked:

"I respectfully decline being sworn or answering any questions before this Committee, and for the following reasons."

He then produced, and, after reading, submitted to the Committee a paper, of which the following is a copy:

"I decline to be sworn, or to answer any question touching the subject of your inquiry, and the following are my reasons for declining, viz :

I understand that I am threatened with a criminal prosecution, and have reason to anticipate that such prosecution may be instituted. I therefore decline to be sworn, or to answer questions, from motives of self-protection."

February 8, 1861.

JOSEPH MILLS, SWORN.

Question. Are you a book-keeper in the Auditor General's office of this State?

Answer. Yes, sir.

Question. How long have you occupied that position?

Answer. Since July, 1857.

Question. Do the books in the Auditor General's office show that the State has received any amount of interest from C. L. Anthony during the last six years?

Answer. They do not, since I have had charge of the books.

Question. Do the books of the Auditor General's department show interest to have been received on any of the specific taxes?

Answer. They do.

Question. Do the books of the Auditor General's department, since you have had charge of them, show interest to have been received from persons or companies?

Answer. At the close of the fiscal year 1855, a credit was made to the account of interest on surplus revenue, from various enumerated sources.

Question. Since 1855, do the books in your department show the items of interest received?

Answer. They do not, with the exception of interest on specific taxes, past due, where the interest is made up in the Auditor's office.

Question. Do the books of the Auditor's department show that interest has been received from the banks and other depositories of the money of the State, since 1855?

Answer. They do not.

Question. Can you tell me the amount of interest that has been credited to the State Treasurer on the books of the Auditor's department, for each of the years 1857-8-9, and 1860?

Answer. Excepting on account of specific taxes past due for 1857, it was,.....\$8,490 82

"	1858,	"	.....	2,445 80
"	1859,	"	.....	3,110 74
"	1860,	"	.....	0 00

Question. Was there a warrant or warrants issued during the year 1860, for interest on \$13,000 Penitentiary Bonds?

Answer. There was one issued December 31st, 1860, for seven hundred and eighty dollars (\$780) in favor of the State Treasurer.

Question. To whom was this warrant delivered?

Answer. I do not know.

Question. Do you know who made up the account for this interest?

Answer. Theodore Hunter, Deputy State Treasurer.

Question. Have warrants been drawn for delinquent taxes within the last two years, to the Treasurer of the city of Lansing? If so, when, and for what sum?

Answer. There was one drawn November 24th, 1860, upon a voucher made up and receipted by F. F. Russell, City Treasurer, for four hundred and fifteen dollars and fifty-one cents, (\$415 51) in favor of Ingham county.

Question. Has the State Treasurer been credited on the books of the Auditor General with interest, paid on any loans made in New York, during the years 1859 and 1860?

Answer. Not excepting interest on bonded loans.

Question. Do the books in your department show that commission has been paid for paying coupons and bonds, during the years 1859 and 1860? If so, how much, and when?

Answer. There have been warrants drawn and canceled. There was a warrant drawn January 31st, 1859, upon vouchers made up by the Deputy State Treasurer, for the payment of bonds, commission amounting to nine hundred and eighty dollars, (\$980.) Also, December 19, 1860, upon vouchers made up by J. McKinney, State Treasurer, for commission for payment of bonds and coupons, amounting to fifteen hundred and sixty-four dollars and fifteen cents, (\$1,564 15.) Also, on the 24th of December, on vouchers made up by Theodore Hunter, amounting to twenty one dollars and twenty-six cents, (\$21 26,) all in favor of the State Treasurer.

Question. In what form were those vouchers made up?

Answer. In substance as follows: For charges incurred in paying bonds and coupons in New York, viz: One-half of one per cent. upon specific sums for bonds and interest paid.

Question. For what amount of exchange were warrants issued by the Auditor General in 1859 and 1860?

Answer. January 21, 1859,.....	\$	51	85
December 19, 1860,.....		2680	49
“ 24, “		23	12
“ 31, “		46	84

Amounting to.....\$2,802 30

Question. Do you know the rate of exchange for which warrants were issued for the interest coupons due in January and July, 1859 and 1860?

Answer. Rates have varied from three-fourths of one per cent. to two per cent.

Question. Did the State Treasurer furnish vouchers

from the parties to whom the exchange and commissions were alledged to have been due?

Answer. I know of no vouchers, excepting those made up by the State Treasurer, or the Deputy State Treasurer.

February 9, 1861.

MOSES WISNER, SWORN.

Question. Were you in New York when the canal bonds were sold?

Answer. I was, and took part in the sale.

Question. Were you one of the parties under the law to negotiate that sale?

Answer. I was.

Question. To whom were the sealed bids directed?

Answer. I think some were directed to J. McKinney, State Treasurer, some to myself, and some to both of us.

Question. Were those bids all opened at the same time?

Answer. They were.

Question. Where, and how were they opened, and who was present?

Answer. In pursuance of the law under which that loan was negotiated, the State Treasurer and I agreed as to the time and place where the bids should be received, which was in New York, on the 20th of April, at the Artisans' Bank. We did not go to New York in company. We both met at the St. Nicholas, some two days prior to the 25th. I found Mr. McKinney there when I got there. The next day after our arrival we visited the Artisans' Bank, and had an interview with Mr. Tooker, the Cashier. We informed him of the notice we had published, that we would receive the bids at that bank, and asked if we could have a room to do our business in. He informed us that we could. On the morning of the 25th, about ten o'clock, we again visited the bank, and he showed us a room on the second floor. There was a table in the room, and we took our seats at the table, and remained there until about two

o'clock. During the day, and before two o'clock, Mr. Tooker brought to us several sealed packages and delivered to us. My recollection is, that E. H. Hazelton also came into the room, and delivered a sealed package to us. Mr. McKinney had, also, one or more sealed packages. There were eleven of these in all, I think; of that I am not positive, but that is to the best of my recollection. We opened these at two o'clock. No one was present when we opened them, except ourselves.

They were all opened, and they were all bids for that loan, some for the whole, and some for a part, but most of them for the whole, and all of them above two per cent. premium, according to my best recollection. Three or four of them so close that it required figuring to see which was the highest. Mr. E. H. Hazelton's was the highest by a few dollars, but I can't state definitely how much. It was so much for \$50,000, and so much for \$50,000, but for the whole or none. He would give three and an eighth per cent. for \$50,000, and three and one-tenth per cent. for \$50,000, as I recollect, but am not positive as to the precise premium.

These bids were opened, some of them by Mr. McKinney, and some of them by myself. The figuring as to whose bid was the highest, was done by both of us. We determined that E. H. Hazelton & Co's. bid was the highest. We then informed Mr. Tooker, the Cashier of the bank, that E. H. Hazelton & Co. were the highest bidders, and that, before awarding the bid to them, we desired an interview with him, and asked him to inform Mr. Hazelton of that fact, and I presume he did so.

Subsequently, either that evening or the next morning, Mr. Hazelton called upon us, either at the St. Nicholas or at the bank, I can't state which. We then informed him that he was the highest bidder. We also informed him that we should not award the bid to him, unless he executed a bond, conditioned to pay the people of the State of

Michigan, \$5,000 as liquidated damages, in case he failed to pay the full amount of the \$100,000, and the premium on the first day of July, at the Artisan's bank, upon receiving the bonds, they being delivered as agreed on that day. He assented to the execution of that bond, and I prepared the bond and Mr. McKinney copied it for me, and the next day Hazelton brought it to me signed by himself and Governor Clark and others, whom I do not now remember.

I took the bond to Mr. Tooker and inquired of him of the responsibility of the sureties thereto. I then drew up a formal award of the bid to Mr. Hazelton & Co. Mr. McKinney and I signed it.

Question. Was Mr. Holmes in New York at that time?

Answer. I think he was.

Question. Did he give you any notice that Hazelton & Co. were in default in not paying any portion of their bids for former loans?

Answer. He did not, sir. I supposed they had paid the whole promptly, or I should not have awarded the loan to them under any circumstances.

Question. Do you know what Mr. Holmes' bid was for that loan?

Answer. I think it was something over two per cent. on the whole amount, and for the whole amount.

Question. Do you recollect of having any conversation with Mr. Holmes at that time, relative to Hazelton's transactions with the State?

Answer. I have no recollection of any conversation on that subject, although I had various conversations with him on other subjects.

Question. Were you in New York after that time, and before the first of July after?

Answer. I was not, till the January succeeding.

Question. What became of the bond you took for the security of the payment?

Answer. I gave it to Mr. McKinney when he went down to New York to make the exchange of the bonds for the money, as the bidders would be entitled to have the bond delivered up when they paid the money. I know it was delivered up, for I saw it afterward in Hazelton's hands, cancelled.

Question. Did Mr. McKinney at any time after that, during that year, intimate to you in any way that he had lent \$50,000 of that money?

Answer. I never heard that he had loaned either that or any portion of the public money, until I heard a rumor of that in November, which I did not believe, because I understood the record here showed the money to be in the Treasury.

Question. Were you one of the parties authorized by the law to let the contract for the repairs of the Sault Canal.

Answer. I was, sir.

Question. Will you state who were the bidders for that contract?

Answer. (Here the witness produced a paper of which the following is a true copy:)

"The following statement shows the names of the bidders for the Sault Canal contract, and the amount of each bid, and the names of the sureties offered by each bidder:

C. W. Chapel, \$68,000. Sureties, H. R. Andrews and John Hall.

W. V. James, G. O. Williams, N. G. Williams, H. J. Buckley, \$69,460. Sureties, Oliver Newberry, S. S. Barnard.

H. A. Fuller, \$70,000. No names of sureties given.

Albert H. Jordan, \$66,276. Sureties, Duncan Stewart and Guerdon Williams.

S. S. Farr and Goldsmith, \$85,660. Sureties, Wm. Donally, W. P. Mills, H. P. Yale.

John Burt, \$71,500. Sureties, Austin Burt and William Burt.

H. L. Chipman & Co., \$74,745. Sureties, Chas. S. Howard and Geo. W. Hoffman.

Theo. D. Barton, Edward Trowbridge, \$71,390. Sureties, R. E. Trowbridge, C. A. Trowbridge.

Hayden, Ross & Co., \$71,675 80. Sureties, B. Wight, Trowbridge, Chipman & Rood.

Clark & Holmes, \$72,000. Sureties, Philo Parsons, E. B. Ward, John Owen, and Z. Chandler.

Joseph B. Walton, the Engineer employed by the Board, estimated the work, according to the plans and specifications, at \$75,393 00."

[Signed.].

M. WISNER.

Question. Why was not the contract let to the lowest bidder?

Answer. The law required the letting of the contract by the Board, composed of the Governor, Auditor General and State Treasurer, and made them responsible for the performance of the work. We had gone up and employed three Engineers to examine the work, make an estimate of the expense, and make a plan of the work. The understanding we had with those Engineers was, that the one whose plan best suited us, should be employed, and the others should be paid a reasonable compensation. Mr. Joseph B. Walton was employed by us, as his plan and specifications suited us the best. The estimate of each of them was about \$75,000. That of Mr. Walton was \$75,393.

We gave notice in the advertisement for the letting, that we should reserve the right to reject any or all of the bids, if not satisfactory. Upon the day specified in the notice for the letting, a meeting was held at Mr. Walton's rooms at the Russel House, Detroit, and the bids for the contract were sent in to us. The notice required the bidders to furnish names of at least two responsible citizens of Michigan as sureties. We opened the bids. Most of the bidders were

strangers to me and I believe, strangers to the other members of the Board. We sent for the Attorney General that we might consult with him as to the ability of the bidders, as we presumed that he knew them.

We all consulted over the bids, and unanimously awarded the contract to Clark & Holmes, believing that to be for the best interest of the State. Their propositions and the plans and specifications of the Engineer were handed over to the Attorney General for the purpose of preparing a contract; since which time I never have seen the propositions made by Clark & Holmes.

Question. Do you know what led to the association of Clark & Holmes in this business?

Answer. I do not, except that Mr. Clark was a millwright, and somewhat acquainted with engineering, and for many years acquainted with that kind of work.

Question. Had *you* any agency in bringing about that co-partnership?

Answer. Not the slightest, either directly or indirectly.

Question. Had you directly or indirectly any interest in that contract?

Answer. I had not, never had, and never expect to have, and I know of no other who had, except these persons, Clark & Holmes.

Question. What reason was assigned by Hazelton for not paying the money?

Answer. He assigned none to me.

February 11, 1861.

WILLIAM H. HUNTER, SWORN.

Question. Were you a contractor here in the City of Lansing, for grading the streets?

Answer. Yes, sir.

Question. When was that work done?

Answer. Part in the summer of 1859, and part in the summer of 1860.

Question. Did you, while engaged in that work, get money of the State Treasurer on Lansing city orders?

Answer. I got money of the Deputy Treasurer.

Question. How much money did you get in that way?

Answer. I can't tell now. I think some ten or twelve hundred dollars. It could not have been as high as fourteen or fifteen hundred dollars.

Question. How came the Deputy Treasurer to let you have the money on those orders?

Answer. I needed the money and asked him to let me have some, and I got some at several times. I didn't think I should want so much when I first began. The Deputy Treasurer seemed willing to let me have it, and I didn't think it would make much difference, and so I took it.

Question. How many times did you apply for money in that way?

Answer. Some fifteen or sixteen times, I took it in small sums.

Question. Did he let you have the full amount of the orders every time?

Answer. He did.

Question. Are you sure it could not be over twelve hundred dollars, \$1200?

Answer. If it overran \$1200, it could be but very little.

Question. Did the Deputy Treasurer take any of these orders of any body else that were laboring for you?

Answer. I do not know.

Question. What were those orders worth at the time the Deputy Treasurer took them?

Answer. They varied from ten to twenty-five per cent discount.

Question. When did the Deputy Treasurer advance you the last moneys on these orders?

Answer. Sometime perhaps in June, 1860.

Question. What were the orders worth at the time you received the last advances on them from the Treasury?

Answer. They were bought up by persons to pay taxes at about seventy-five to ninety cents to the dollar.

Question. Did the Deputy State Treasurer loan you money occasionally at the time you were doing the work on your contract for grading the street.

Answer. He did.

Question. In what manner did you pay those loans?

Answer. In Lansing city orders.

Question. Had Thompson & Hunter any dealings with the Artisan's Bank of New York, either in the year 1859 or 1860?

Answer. Not any.

February 11, 1861.

EZRA JONES, SWORN.

Question. Are you Deputy Auditor General?

Answer. I am.

Question. How long have you occupied that position?

Answer. Since October 1, 1858.

Question. Did you, in December, 1860, issue the warrant of the Auditor General for interest on \$13,000 Penitentiary bonds?

Answer. I did.

Question. For what amount was this warrant issued?

Answer. Seven hundred and eighty dollars, (\$780.)

Question. Who presented the voucher and received the warrant.

Answer. Theodore Hunter, Deputy State Treasurer?

Question. Did you at the same time issue a warrant for exchange? If so, for what amount?

Answer. I did, for nine dollars and seventy-five cents, (\$9 75.)

Question. Can you tell the amount of warrants issued by

the Auditor General for commission and exchange, in 1859 and 1860 ?

Answer. In 1859, for exchange,.....	\$ 51 85
“ 1860, “ “	2759 22
In 1859, for commission,.....	\$ 980 00
“ 1860, “ “	1585 41

February 12, 1861.

JOSEPH B. WALTON, SWORN.

Question. Were you the chief Engineer employed by the Board of Control for the repairs of the Sault Canal ?

Answer. I was.

Question. Did you give to the Governor an estimate of the works in repairing the Canal ?

Answer. I did.

Question. What was your estimate ?

Answer. It was about seventy-five thousand dollars, (\$75,000) for the work embraced in the contract. I forget the exact amount.

Question. To whom was the contract awarded ?

Answer. Clark & Holmes.

Question. What was the contract price ?

Answer. Seventy-two thousand dollars, (\$72,000.)

Question. What amount was allowed the contractors for extra work ?

Answer. Four thousand two hundred and fifty dollars, (4,250.)

Question. Was the terms of the contract changed, as regards the time of its fulfillment ?

Answer. A portion was to have been finished by the first of November, 1859. The time for doing that portion was extended till the 7th of May, 1860, so as not to interfere with navigation—requiring the work to be done in the winter.

Question. What compensation was allowed the contractors for this change of the contract ?

Answer. Ten thousand dollars, (\$10,000.)

Question. Can you tell the probable cost to Clark & Holmes, of the work done by them on the canal?

Answer. My estimate by the account I kept, amounted to \$60,027, I think. That must necessarily be too small, for I could not keep all the expenses.

Question. In your estimate of expenses, did you include extraordinary expenses, such as chartering a steamer in the spring for taking men to the Sault?

Answer. I did. I made allowance for that, although I do not know the exact price they paid.

Question. Did you furnish the Board of Control an estimate for the extra work done by Clark & Holmes, and the extra expense incurred in consequence of the change of contract?

Answer. I did.

Question. Did you deem the allowance of the Board to Clark & Holmes for extra work and change of contract to be just and proper?

Answer. I did.

February 12, 1861.

ALLEN R. BURR, SWORN.

Question. Do you remember any conversation with Mr. Whitney Jones, or Mr. McKinney, relative to a project for establishing a bank at this place, to be called The Bank of the Capital?

Answer. I have, with Whitney Jones.

Question. Who were to be interested in that bank?

Answer. I don't know as I can give all the names. Mr. Jones was to be one, Mr. Dewey, Mr. Pratt or Platt; I don't remember any others.

Question. Did you ever hear anything about the securities which were to be pledged to the Treasurer here, to secure the currency?

Answer. I did not, of the kind of securities.

Question. Was anything ever said, in any of the conversations with Col. Jones, about using the \$50,000 of bonds sold to Hazelton, or any part of them, as a security?

Answer. There was not.

February, 12, 1861.

JOHN A. KERR, SWORN.

Question. Did Hosmer & Kerr take up from the State Treasury four drafts drawn by the Detroit Advertiser office, in favor of S. M. Holmes, on Hosmer & Kerr for eight hundred and twenty-five dollars, (\$825)?

Answer. I did not knowingly take them up.

Question. Will you state then, how they came from the Treasury of the State into your possession?

Answer. Sometime in the fall of 1858, Theodore Hunter presented to me four drafts for acceptance at, I think, four different times, and I refused to accept them. I never saw nor heard of these drafts again till the 12th of March, 1859. I then called at the Treasurer's office to settle and take up receipts for advances made by the State Treasurer. Then Mr. Hunter said to me, "the balance against you is \$2,295 66." I said to him, "there must be a mistake, for my account on my books shows that we would owe the State some \$800 less," but that I would take up all of our receipts and give a receipt for the balance, and stated if there are any errors, they shall be corrected. He said "certainly." I then took my package of receipts—amounting in all to about \$11,000—and went directly to my office, and went to checking up my receipts, and I found those four drafts among them, amounting to \$825, which made the exact discrepancy between his account and our own.

Question. Was the amount of those drafts due from Hosmer & Kerr to the Detroit Advertiser office, at the time they were presented for acceptance, or at the time they were handed over to you?

Answer. It was not due at either of those times.

Question. Did you afterward call upon the Deputy State Treasurer and request him to correct the error and take back the drafts?

Answer. I did. I think it was either Friday or Saturday, that I took up the receipts, and, I think, it was on Monday next afterward, that I called on him and asked him to alter the receipt and deduct the amount.

He refused to do so, and said that he was directed by Mr. Holmes, at the time Mr. McKinney took possession of the office, to charge those drafts to Hosmer & Kerr, and that he did not feel at liberty to change the receipt without the consent of Mr. McKinney. I asked him if he did not remember that they were the identical drafts that I had refused to accept when he presented them to me. He said he did. I said to him, "There are the drafts," and handed them to him and told him, "we will not recognize them in any manner." On Mr. McKinney's return home, I requested him to change the drafts, and he refused. He said it was a matter entirely between Mr. Holmes and ourselves.

Question. Was anything farther ever done by you about those drafts?

Answer. There was. We presented a claim to the Board of State Auditors in December last, and Mr. Hunter was sworn before the Board, and they passed a resolution directing him to change that receipt and deduct the amount, \$825, from it. I presented that resolution to Mr. Hunter, I think it was on the 31st of December last, and asked him to comply with the terms of the resolution, and make the change. He still refused to make the change, and those drafts still remain in the State Treasury, and the matter remains unadjusted.

Mr. Kerr wishes to state here, relative to the receipts that were in the State Treasury at the time Mr. Owen took possession of it, against Hosmer & Kerr, that they

have since been taken up by awards made by the Board of State Auditors for printing done, so that their accounts with the State Treasurer are adjusted, excepting one item, in which this \$825 is included.

—
February 12, 1861.

NELSON W. CLARK, SWORN.

Question. Were you one of the contractors of Clark & Holmes to do the work on the Sault Canal?

Answer. Yes, sir.

Question. Was anybody interested in the contract at the time it was let, or subsequently, either directly or indirectly, excepting Clark & Holmes?

Answer. There was no one at the time it was let, but subsequently there was an arrangement made with Mr. Chapel, by which he had some interest in consideration of his services.

Question. Had either Governor Wisner, or Mr. Case, any interest in that contract ever, either directly or indirectly?

Answer. No, sir.

Question. Can you tell what the cost of that work was, or about what the cost of the work was, done by Clark & Holmes on the Canal?

Answer. We have not closed the thing up, and have not settled, and I am unable to say. I will say this: it was somewhere between \$55,000 and \$70,000.

Question. You say the cost is between \$55,000 and \$70,000. Is that as near as you can answer?

Answer. It is at present.

Question. Is the amount nearer \$55,000 than it is \$70,000.

Answer. I can't tell you.

February 15, 1861.

HENRY N. WALKER, SWORN.

Question. At any time between the months of March and July, 1859, did you, by letter or otherwise, inform Mr. Corning, or any other person in Albany, New York, that there was a question regarding the constitutionality of the Sault Canal bonds, so called, then about being negotiated by this State?

Answer. I did not have any such communication, by letter or otherwise, with Mr. Corning, or any other person in the State of New York, or any other place, within that time. Nor, till a long time afterward, did I ever hear the constitutionality of those bonds questioned.

ALEX. W. BUEL, SWORN.

Question. Did you, in the month of March, 1859, or at any time before the month of August, of that year, by letter, communicate to John Thompson, or any other person in New York State, that a question had been raised in regard to the constitutionality of the Sault Canal bonds, then about being negotiated by the State?

Answer. Neither during the period referred to, nor at any other time subsequent, did I ever correspond with John Thompson, or any other person, and I was never written to, and never wrote a letter to any person on the subject of the constitutionality of the Sault Canal bonds, to the best of my knowledge and belief.

Question. Did you, during the same time, in any manner communicate to Mr. Thompson, or any other person in New York State, that a question had been raised against the constitutionality of those bonds?

Answer. I have no recollection of having done so. I have no recollection of having been interrogated by Mr. Thompson, or any other person in New York, with reference to it.



[No. 32.]

REPORT of Committee on the Reform School.

Your committee, to whom was referred so much of the retiring and the present Governors' messages as related to the reform school, have had the same under consideration, and would beg leave to report:

That in accordance with a resolution of this House, they have visited the institution, and through the kindness and attention of the superintendent, and the officers connected with the school, were permitted to witness and examine into the practical working of the same, so far as could be done in the short time allowed them. The legislature of 1859, by act approved in February, of the same year, made provision for the erection of, and putting in operation, this institution, under the name of the "House of Correction for Juvenile Offenders;" and the board of control have, as shown to you by their annual report, completed, and have now in use, the entire building, according to the original design, at an expense, in the aggregate, for construction, of the sum of \$53,474 28.

Your committee are gratified in being able to say, that no

further appropriation is asked for, for building purposes, at this time, excepting the sum of \$1,474 28, which was expended in rebuilding the work-shop, which was destroyed by fire in October last, for the payment of which an appropriation bill has already been introduced, and passed this House. The whole amount expended in constructing the buildings and maintaining the institution, up to the first of December, 1860, amounts to \$102,745 86.

With the addition of the new wing, which was completed in July last, we have now one hundred and fifty-two dormitories, making the utmost capacity of the institution, under the *regime* as it was at first contemplated, one hundred and fifty-two, but to \$102,745 86.

under the present mode of government nearly double that number of boys can be accommodated.

From the report of the "Board of Control," we learn that on the 16th day of November, 1860, there was 137 inmates in the institution, being a gain of 41 over the report of the previous year, and an average of 117 for the year. The amount paid for contingent expenses for the school, for the past year, amounts to \$16,000. The amount received for the services of the boys in the work-shops, was \$2,161 82; which deducted from the expenses, leaves a balance of \$13,838 18 as the actual expense of maintaining the institution for the past year. Calling the average number in the school for the year 117, we then have an average expense of \$118 27 *per capita*. This average expense is considerable greater than the average expense of maintaining similar institutions throughout the United States.

From a report made in May, 1859, by some 24 of these institutions, we find the highest cost *per capita*, was in the St. Louis House of Refuge, which was \$117 61; while at the same time the average expenses of all the schools reporting upon this subject, to have been a trifle under \$90. The cost of supporting the older institutions in the Eastern States, presents a remarkable degree of uniformity, varying but little from \$85 each, *per capita*. Your committee have called your attention to

these facts, not invidiously, nor because they believe they indicate carelessness or prodigality in the management of our institution, but rather for the purpose of furnishing a data upon which we may safely estimate the expenses of maintaining it when it becomes established and put in complete and successful operation. From the reports of 14 of these Reform Schools, an average of 85 per cent. of all that had been received were reported as reformed, and that the average period of detention had been only about 19 months. Under the present mode of government, your committee are of the opinion the expenses will be materially diminished.

The attention of your committee has been called to the change which has been introduced in regard to the management of this institution, which commends itself to their warmest approbation. The Legislature of 1857 very wisely changed the name of the institution from that of "House of Correction" to that of "Reform School," and also made it the duty of the "Superintendent of Public Instruction to make an annual or more frequent visit to the institution, and make such reference to it in his annual report as the condition and the usefulness of the school in his judgment might seem to require," for the purpose of disseminating more extensively throughout the State a correct knowledge of the nature and objects of the institution, and for the purpose of disabusing the public mind, and of calling the attention of those engaged in reform and reformatory measures to the true objects and practical utility of this humanitarian institution, and thus in a formal manner recognize the reform school as a part of the common school system of the State. The public mind has been prone to look upon this institution as a sort of an auxiliary to the State Prison—as a place of confinement and punishment for juvenile offenders rather than a reformatory and educational school for those parentless, unfortunate and neglected children in our midst.

Originally it was designed for the accommodation of persons of both sexes, but the course of discipline and the construction of the building is such, that renders it impracticable to keep

the sexes separate, and to keep them together would tend in a great measure to entirely defeat the object for which it was designed. There can be no proper accommodation for girls without additional buildings, and then by having them near together it would be detrimental to the interest of all concerned. And your committee are of the opinion that it would be decidedly for the interest of the State, in a pecuniary point of view, to provide a separate building, either adjacent to and under the supervision of the same superintendent, or more remote from the same, as the Legislature in their wisdom might direct, but under no consideration would they recommend that they occupy the same building with the boys.

For the further elucidation of this subject, we would refer you to the able report of the committee on education, and commend the recommendations and suggestions therein contained, to your favorable consideration.

Early in the session, a bill was introduced, which was referred to your committee, which met their unanimous approval, amending the organic law of 1855, relative to the organization of the institution, so that, hereafter, boys only can be sent to the reform school. The bill also provides for the commitment of boys for vagrancy. Some object to this feature of the bill, claiming that vagrancy is not a crime. Your committee, however, are of the opinion that it is certainly the great highway that leads to crime; and the sooner they are taken from this highway of crime, the sooner they are removed from vicious influences. They are generally of that class of youth who have turned their backs upon parental restraint, or who have never enjoyed any wholesome instruction, and have followed their own inclination, disregarding all restraining influence; accustomed to roving through the streets in idleness, without care for themselves, or any one to care for them; without any education, except in vice; forming such habits, and such a character and associations, as will inevitably lead them into crime. It is this class that we propose to send to the reform school—not to punish them for crimes they are not ac-

countable for—but to prevent them from committing those crimes which their associations and habits of life would ultimately lead them into—not to punish them, but to elevate them from vice and degradation—remove them from that moral miasma with which they are surrounded, and in which they have been educated, and throw around them those moral restraints they so much need—to give them a wholesome education—to teach them the duties they owe to themselves, their country, and their Maker—elevate them in the scale of being, and prepare them to go out into the world and resume the responsible duties of life—in a word, not to punish, but to reform and educate.

It is but a little over 30 years since this reformatory system of education was commenced in America. In the year 1828, the first reformatory school was opened in the old "United States armory, in the city of New York, with only seven boys." Like all other reformatory measures, it met with decided and stern opposition. By some, the whole scheme was looked upon as the wild chimera of fanatical enthusiasts; by others of cooler judgment, with distrust and apprehension, and "regarded as a public charity of extremely doubtful utility."

But how great a change has one-third of a century produced. From the very small beginning of seven boys in the old armory, similar institutions have sprung into existence in almost every State in the Union, numbering more than four times the number of boys in the first school, furnishing homes, and educating and training for the responsible duties of life, annually, nearly 6,000 of the unfortunate youth of our country. Some 50,000 have already gone out from these institutions, a majority of whom have become intelligent, upright and honest citizens, an honor to themselves and a blessing to their friends.

Your committee were well pleased with the mode of government and discipline adopted in the school. By adopting the family system of government, you throw around these boys a moral and restraining influence which many of them have never known or felt before, and by establishing different grades of

honor and responsibility, and placing them within the reach of all, you offer a greater incentive to virtuous conduct—you accomplish a better and more desirable reformation than bolts and bars or the dungeon can produce. By inculcating the principles of love and forbearance, and by offering rewards or promotion for meritorious conduct, you acquire a much greater influence and power, a better reformation, than you can ever expect to acquire through the fear of the infliction of corporal punishment.

-The improvements which have been made in the front yard—the drives and foot paths which have been constructed—the mounds and lawns that have been laid out—the forest trees which have been set out, many of them obtained from a distance of 25 miles, by the boys, together with other improvements which they have made, show conclusively that “they had a zeal and interest in their work.”

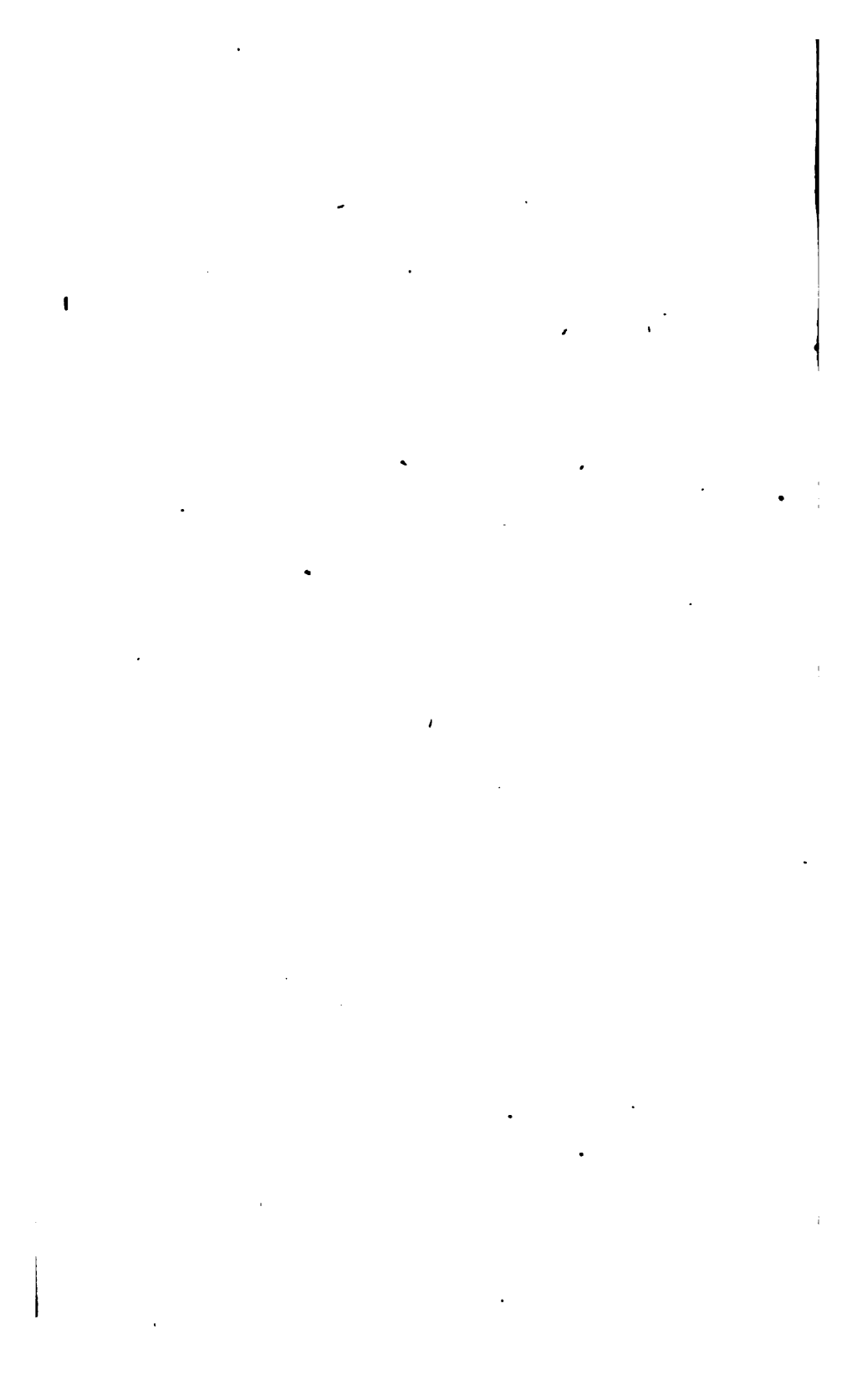
The general good order and neatness which prevailed in all of the various departments, the cheerfulness and the apparent willingness of the boys in performing every duty, their activity and industry as we witnessed them engaged at their various avocations and employments, bespeak for the good management of the school.

In conclusion, your committee feel that they would be doing great injustice to themselves, and withholding merited praise, should they fail to express their thanks to the Rev. Mr. Nichols, the worthy superintendent, and the officers connected with the several departments, for their kindness and courtesy, and for the facilities afforded them for a thorough examination of the institution.

All of which is respectfully submitted.

G. E. READ, *Chairman.*





[No. 33.]

PROTEST of Messrs. Howell, Douglas, Warner and others, against the passage of joint resolution, appropriating the tolls of the St. Mary's Canal to the payment of the amount due counties for taxes assessed on canal lands.

The undersigned, availing themselves of their constitutional right to "dissent from, and protest against, any act, proceeding or resolution which they may deem injurious to any person or the public," respectfully enter their solemn protest against the action of this House on Friday, the first day of March, A. D. 1861, in passing a "joint resolution, appropriating the tolls of the St. Mary's Canal to the payment of the amount due counties for taxes assessed on canal lands."

The title expresses, which is true, that there is *due* the counties, in round numbers, the amount of fifty thousand dollars, and which amount is due the new counties in which the canal lands are situated. The Legislature remitted the taxes on these lands for five years, and set aside and pledged the tolls of the canal to reimburse the counties for the taxes assessed on the same.

Under this provision there has been paid into the treasury applicable to this payment to the counties, forty-four thousand

dollars, or within six thousand dollars of discharging such indebtedness to the counties.

These counties having a fixed and vested right to this money, have taken it into consideration in their local affairs, and anticipated the receipt of the money in their business and contracts. The joint resolution is as follows :

JOINT RESOLUTION appropriating the tolls of the St. Mary's Canal to the payment of the amount due counties for taxes assessed on canal lands.

Whereas, The legislature, by an act supplementary to an act to provide for the construction of a ship canal around the falls of St. Mary's, approved February 5, 1853, did authorize that the taxes on lands of the St. Mary's canal company might be remitted to the said company for a period of five years;

And Whereas, The taxes thus remitted have been debited to the general fund, and credited to the counties in which the lands lie, for the purpose of reimbursing such counties; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the entire receipts from tolls on the St. Mary's ship canal for the year 1862, and for such time thereafter as may be necessary, except such sums as may be required to pay the current expenses of said canal, and also the interest accruing upon the canal loans guaranteed by the State, shall be and the same are set apart for the purpose of reimbursing such sums as are due the several counties on account of taxes remitted by the State on lands belonging to the St. Mary's falls ship canal company. The State Treasurer shall, on the first day of January, 1863, and annually thereafter, as long as there shall be any indebtedness to the counties, on account of taxes remitted as aforesaid, proceed to divide the net amount received during the year from such tolls, among the counties entitled to the same, in proportion to the amount due to each, the same to be paid by the State Treasurer upon the order of the county treasurers respectively.

The House refused to adopt the following substitute offered

by Mr. Warner, and also refused to adopt the following substitute offered by Mr. Hemingway:

Mr. Warner moved, as a substitute for the resolution, to commit the joint resolution to a select committee of three, with instructions so to amend the same that the present indebtedness of the State to the Saut St. Marie canal fund shall be applied to the payment of the taxes remitted on Saut St. Marie canal lands by the State, and sufficient of the first next accruing revenue from the canal tolls to pay the balance. The present indebtedness of the State to be provided for as soon as the State can reasonably pay the same.

Mr. Hemingway offered the following as a substitute for the resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That an appropriation of sixty thousand dollars be and the same is hereby made from the general fund of the State for the purpose of paying to the several counties, in which such canal land lies, the amount of such tax receipted and charged to the general fund, with the interest thereon at ten per cent. from and after the time the same was returned to the office of the Auditor General. And that said amount be added to the State tax for the current year, and that the several county treasurers of the counties in which such land lies, be authorized to draw from the State Treasury, on the warrant of the Auditor General, the amount due to such counties respectively at any time after the next State tax shall be collected and paid over to the State Treasurer.

And then to cut off all explanation or debate, consummated this oppressive and unjust measure, under the aid of the "previous question."

Its want of equality and uniformity will not justify it as a financial measure of even a *pressing necessity*. If the running expenses of the State government require money not legitimately in the treasury applicable to such purposes, it should be replenished by taxes, uniform and bearing equally upon all. The legitimate effect of the above resolution is to levy contribution

or a forced loan upon the new and weak counties, unequal, discriminating and oppressive, and can only be justified upon the principle that might begets the right, and that the rights and interests of the minority are less sacred than those of the majority—the arbitrary exercise of a naked power without reference to its justice or equity.

Under the grant of lands to build the canal, the faith of the State was pledged to keep the tolls within the amount necessary to keep it in repairs, and it is a breach of that faith to undertake to make such tolls a source of revenue to the State for *any purpose whatever*. Excessive tolls operate as an embargo, or prohibitory tariff upon the mineral interests of the Upper Peninsula, besides turning the avails of a national highway to a private and just purpose. If this system is persisted in, it will have the effect to drive capital from the State instead of inviting its investment to develop our mineral resources. The undersigned, therefore, protest against such action as partial, oppressive, unequal, and dangerous as a precedent to be established, and respectively request that this protest may be entered on the journals of this House.

W. T. Howell,
Ebenezer Warner,
C. C. Stoddard,
John Strong, Jr.,
L. P. Alexander,
John Hadley, Jr.,
William S. Phelps,
C. S. Gregory
Appleton Stevens,
A. C. Persons,

O. C. Douglas,
M. M. Atwood,
B. L. Hill,
E. B. Winans,
Geo. S. Hemingway,
Alexander Toll,
Wm. Brownell,
Gilbert A. Pratt,
George Peters,
Sloan Cooley.

[No. 34.]

**PROTEST of Messrs. Joy, Lockwood, Ramsdell, and others,
against the passage of the act to provide for the organiza-
tion of the Homeopathic Branch of the University.**

The undersigned respectfully protest against, and enter their
dissent against the passage of the act, entitled

An act to provide for the organization of the homeopathic
branch of the University of Michigan,

And respectfully assign the reasons for their said assent and
protest.

The first, but not the most important reason—though in itself
sufficient to determine their votes against the bill, whatever
might be the merits of it—is that it was introduced into this
House after the expiration of fifty days from the commencement
of the session. The constitution, as amended, prohibits the in-
troduction of bills after the expiration of that period. The ob-
ject is unquestionably to limit the length of the session, by
fixing a period during which bills may be introduced, and after
which none shall be brought before the Houses; and of course
the session must be limited to action upon the bills introduced

during the first fifty days, and must terminate when those bills are acted upon. This is the rule established by the constitution, and is the mode adopted to prevent unnecessarily long and expensive sessions. It is clear in its provisions, and its object perfectly plain.

It is equally clear that if the bill in question may be brought before this House to-day, by taking from the table a bill to provide for the re-organization and government of the University of Michigan—a copy of which, marked "Exhibit A," is hereto attached and forms a part hereof—and striking out all after the enacting clause, and inserting thereafter a bill upon another and different subject not germane to the original bill, and aiming at a different result; and then changing the title to suit the subject, there may be, after the fifty days shall have expired, any number of new bills, embracing new subjects, or rather, any number not exceeding the number of bills laid upon the table during the sessions in both Houses. None can fail to see that in this way, the policy and object of the constitution may be entirely defeated in this respect, and this provision directly violated and set aside. The guise under which the new bill comes, assuming the title of a bill before the House, and then dispensing with the title and assuming a new one to suit its character—cannot change the nature of the transaction. It is a new bill, embracing a new subject, and could not possibly be received if it came directly before the House, but must be ruled out of order and rejected by the Speaker, of necessity. That the same thing comes before the House in this circuitous way, has no tendency to make that lawful which would be otherwise in violation of law. It is, in the judgment of the undersigned, an attempt to evade a restriction, to avoid a direct prohibition, which courts of law administering law never tolerate—the maxims of law as well as of good sense being, that, what cannot be done directly shall not be done indirectly, and a maxim which especially law makers should regard and ever act upon. For this, the least important of the reasons, the undersigned feel called upon to protest against the passage of this act.

Another and much more important reason, however, yet remains, and that is that the subject, or object, of the bill, is beyond the power of the Legislature. The Constitution of the State (sec. 6, art. 13,) provides that there shall be elected in each judicial circuit, a Regent of the University, whose term of office shall be the same as that of the said judge. The Regents elected shall constitute the Board of Regents of the University of Michigan. The next section provides that they shall continue to constitute the body corporate known by the name and title of the Regents of the University of Michigan. The next section provides that the Board of Regents shall have the general supervision of the University, and the direction and control of all the expenditures from the University Interest Fund.

The undersigned care not to comment upon the objects of the provisions any further than they speak for themselves. It is clear that the general supervision of the University is by the Constitution given to the Regents, and not to the Legislature. It is clear also that the direction and control of all expenditures from the university interest fund is given to the board of regents, and not to the Legislature. It is the control of all such expenditures which is thus given, and not of a part. It is given to men elected by the people, and independent, and intended to be independent, of the Legislature; not responsible to it, but to their constituents, and to them alone, and under that responsibility they must direct and control all expenditures from that interest fund. This is the language of the Constitution, and it would seem to be so plainly expressed and unambiguous, that there could be no doubt of its meaning. If the Legislature can assume the responsibility of the Regents and direct and control the expenditure of \$3,000 of that interest fund to establish a chair of homeopathy at Detroit, it may equally establish one for the eclectic system at Pontiac, and for another system at Grand Rapids.

If the Legislature may lay its hands on \$3,000 of that fund, it

may equally take \$5,000, or \$10,000 or \$40,000, and leave the regents without any funds to direct or control the expenditures. The principle, which will enable it to do the one will equally enable it to do the other.

It needs nothing further to show that, notwithstanding the constitutional protection thrown around the University—notwithstanding the regents are independent of the Legislature, owing no duty to it—are elected by the people, and with constitutional rights and duties—yet if this bill may legally pass, it may equally pass others of the same nature until the regents are divested of the direction and control of every dollar of the interest fund, and the whole University laid prostrate and ruined. One interest may this year demand this appropriation in this body and another interest may make another demand the next, until all is gone.

It seems to the undersigned that these positions are the true ones—that this Legislature might as well endeavor to regulate the duties of the executive, to control the decisions of the judges, as to regulate and control the duties of the regents—equally constitutional offices—equally independent of the Legislature—and equally charged with important duties, and for the faithful and just and wise discharge of which they are equally responsible to the people who place them in office.

It is for these reasons, and because, for these reasons, the undersigned see no stability and safety for the University, and believe that if such bills may pass, the Constitution is in this respect virtually abrogated, and all its provisions relative to that institution rendered futile, that the undersigned respectfully make this, their protest, against the passage of this act.

T. J. Ramsdell,
N. K. Green,
Thomas F. Moore,

F. H. Rankin,
Alexander Toll,

E. B. Winans,
M. M. Atwood,

James F. Joy,
Thos. W. Lockwood,
S. M. Cutcheon,
James Webster Childs,
H. B. Shank,
Emerson Choate,
Wm. Brownell,

A. I. Green,
John Hadley, Jr.,
L. Woodward,
Wm. Chapoton,
Wm. N. Stevens.

C. C. Douglas,
Ezra C. Adams,
Eugene Pringle,
S. S. Fallass,

"EXHIBIT A."

**A BILL to provide for the re-organization and government of the
the University of Michigan.**

Sec. 1. *The People of the State of Michigan enact*, That the regents of the university and their successors in office, shall constitute a body corporate, known by the name and style of the regents of the university of Michigan, with the right of suing and of being sued in their corporate name, and of contracting in relation to the expenditures from year to year of the university interest fund; and may have and use a common seal, and alter the same at pleasure.

Sec. 2. The board of regents, with the concurrence of the Senate of the university, shall have power to enact ordinances, by-laws and regulations for the government of the university, and to alter the same from time to time. The board shall have power to fix, increase and reduce, from time to time, the number of professors, assistant professors, tutors and others officers and employees; to prescribe their respective duties, and the amount of their respective salaries, and the salary of the president.

Sec. 3. They shall have power to appoint a secretary and treasurer of the board during pleasure, and to elect a president of the university whenever a vacancy shall occur, by removal from office, death or resignation.

Sec. 4. They shall have power to remove the president, any professor, assistant professor or tutor, the librarian, steward and any other officer or employee of the university whenever the interest of the institution shall require it. But the president shall not be removed without the concurrence of two-thirds of all the regents.

Sec. 5. The board of regents shall have power to regulate the course of instruction and prescribe with and under the advice of the several and respective faculties, the books to be used in the several departments; and also to confer such degrees and grant such diplomas as are usually conferred and granted by similar institutions.

Sec. 6. The university shall consist of at least three departments:

1. A department of literature, science and the arts;
2. A department of law;
3. A department of medicine;

4. Such other departments may be added as the regents shall deem necessary, and the state of the university fund shall allow.

Sec. 7. The regents shall provide for the arrangement and selection of a course or courses of study in the university, for such students as may not desire to pursue the usual collegiate course in the department of literature, science, and the arts, embracing the ancient languages; and to provide for the admission of such students without previous examination as to their attainments in said languages, and for granting such certificates or diplomas at the expiration of such course or term of such students, as may be appropriate to their respective attainments.

Sec. 8. No expenditure shall be made from the university fund, or from the university interest fund, except in pursuance of appropriations to be made by the board of regents. The board shall have a general supervision of the university, and each of the departments thereof; but neither any committee of the board, nor any member of a committee thereof, shall exercise any executive power in or over the university, or in the expenditure of any moneys for the same.

Sec. 9. The president of the university, together with the professors and assistant professors of the several departments thereof, shall constitute the faculty of the departments respectively; and the president, professors and assistant professors of

all the departments, shall constitute the senate of the university, a majority of whom shall constitute a quorum to do business.

Sec. 10. The president shall be the principal executive officer of the university, and the presiding officer of the board of regents, of the senate of the university, of the faculty of each of the departments thereof, and of the library committee, and shall have the immediate direction of the librarian, steward, janitors, and of all the subordinate employees of the university, subject to the by-laws, rules, ordinances, instructions and resolutions that may be adopted.

Sec. 11. The immediate government of the several departments, shall be vested in the several faculties. A library committee shall be composed of the president, the librarian, and of one member from, and selected by, the faculty of each of the departments. The librarian shall be the secretary of the senate of the university, and of the library committee, and shall keep and preserve records of their respective acts and proceedings. Moneys appropriated by the regents for the library, shall be expended by or under the direction of the library committee, for such books, periodicals, maps, &c., as shall be selected by the committee, under and in pursuance of the appropriation and the instructions, if any, contained therein.

Sec. 12. The professors, assistant professors, tutors and all other teachers, and also the librarian, steward, janitors and all other subordinate officers and employees of the university, not otherwise provided for, shall be selected by the president of the university, with the advice and consent of the senate, and when so selected, they shall be nominated by the president to the board of regents, and appointed by the president, by and with the advice and consent of the board; but in the recess of the board, they may be appointed by the president, by and with the advice and consent of the senate of the university, until the next meeting of the board of regents. Any of the officers and employees provided for in this section, except the professors and assistant professors, may be removed at pleasure, by the

president, with the advice and concurrence of the senate of the university.

Sec. 13. The fee of admission to the university, shall not exceed ten dollars.

Sec. 14. The university shall be open to all persons resident of this State, without charge of tuition, under the regulations prescribed in the rules and by-laws of the institution, and to all other persons, under such regulations and restrictions as the board may prescribe, with the concurrence of the senate.

Sec. 15. The moneys received from students for admission and other fees, shall be expended under the direction of the regents, to pay for fuel, lights and other incidental expenses of the institution, and in keeping the university buildings in repair and in good condition, and the balance, if any, shall be appropriated for the increase of the library.

Sec. 16. From the increase arising from the interest of the university fund, the regents may provide for the erection, from time to time, of such buildings as may be necessary for the uses of the university, on the university grounds; and they shall have power to direct the expenditure of so much of the interest arising from the university fund, as they may deem expedient, for improving and ornamenting the university grounds, for the purchase of philosophical, chemical, meteorological and other apparatus, and to keep the same in good condition, and for books, maps and periodicals for the library.

Sec. 17. All orders on the treasurer shall be drawn and signed by the secretary of the board of regents, and countersigned by the president, and the accounts for all expenses and disbursements shall be audited by the board.

Sec. 18. There shall be two regular meetings of the board of regents annually, commencing on the day previous to the last Wednesday in March, and the day previous to the annual commencement day in June. The regents may hold adjourned meetings and such extra meetings as may be called by the president or the senate of the university, if there be no president.

A majority shall constitute a quorum to do business, and a like number may adjourn from time to time.

Sec. 19. The president shall make a report annually to the board of regents at their meeting in June, of the transactions of the faculty, the condition of the university and its several departments, the number of students therein, and the expenditures and disbursements since the next previous report; and he may make such recommendations as he may think advisable for the good of the university; and if the professors, or any three of them, differ from the president, they may also make a similar report with recommendations.

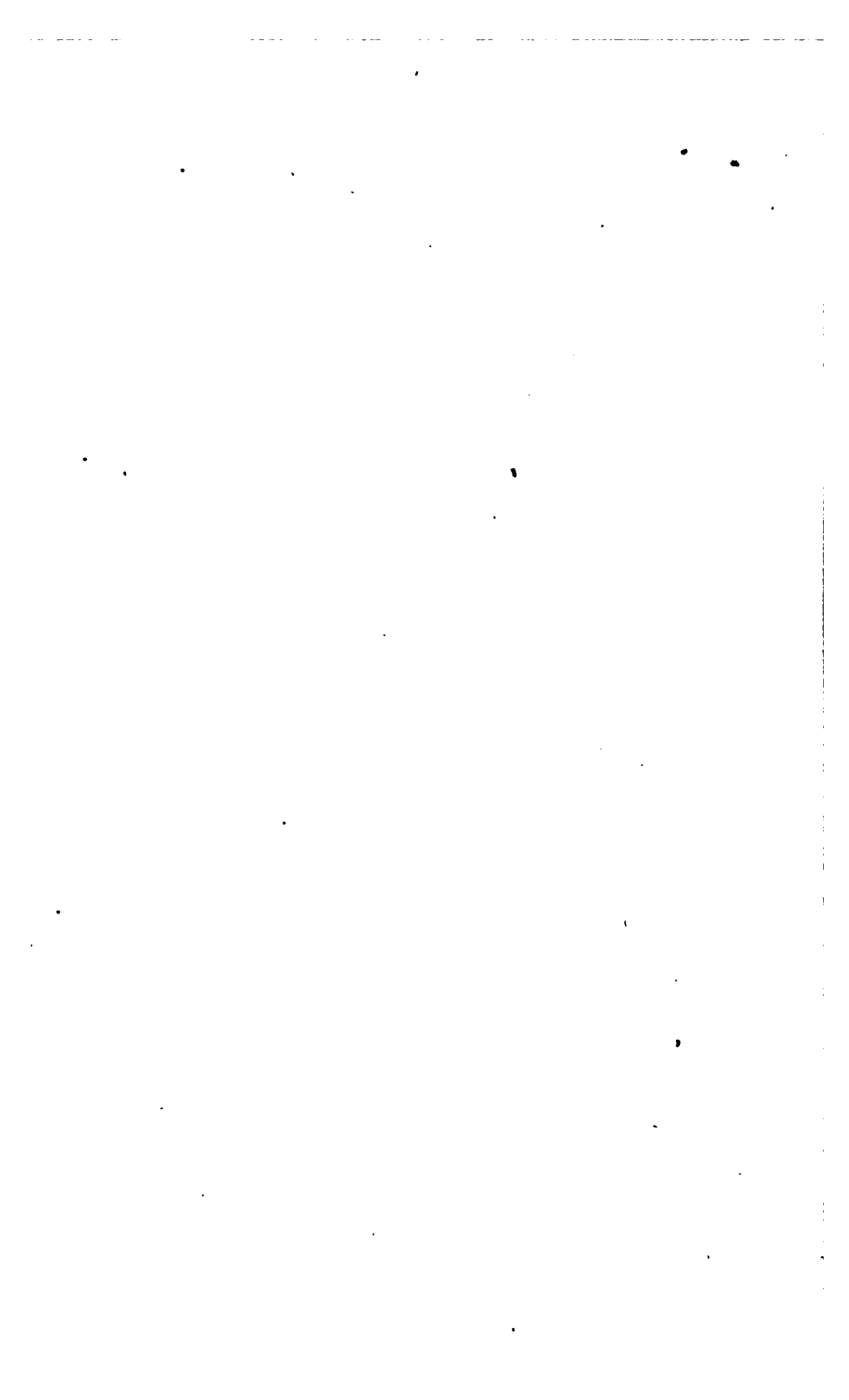
Sec. 20. The board of regents shall, on or before the first day of November in each year, make a report and an exhibit of the affairs of the university to the superintendent of public instruction, setting forth the condition of the university and its several departments; the amount of receipts and expenditures; the amount of outstanding debts, if any; the number of professors, assistant professors, tutors, other officers and employees, and the compensation of each; the number of students in the several departments and classes, and an estimate of the receipts and expenditures for the ensuing year; together with such other information and suggestions as they may deem important; and shall transmit the same, with the report of the president, to the superintendent of public instruction, to be embodied in his report.

Sec. 21. A board of visitors, to consist of three persons; shall be appointed biennially at the commencement of the collegiate year, by the superintendent of public instruction. It shall be their duty to make a personal examination into the state and condition of the university in all its departments and branches, once at least in a year, and report the same to the superintendent, suggesting such improvements as they may deem important; which report shall be embodied in the report of the superintendent.

Sec. 22. The regents and visitors of the university shall each receive pay for the actual and necessary expenses incurred by

them in the performance of their duties, which shall be paid out of the university interest fund.

Sec. 23. Act number 151 to provide for the government of the State university, approved April 8th, 1851, and all other acts relating to the university, are hereby repealed.





[No. 35.]

**REPORT of the Select Committee of Eleven, upon the subject
of swamp land State Roads!**

The select committee of eleven, to whom was referred House bill No. 173, entitled

A bill to amend an act entitled an act to provide for the draining and reclamation of swamp lands by means of State roads and ditches,

Have unanimously instructed me to report that it is necessary for this Legislature to take some action relative to the swamp lands granted to this State by the General Government, and that action should be such as would be the most feasible to consummate the objects for which the original grant was made. Considering the newness of the country, and the sparseness of the settlements of those counties in which the large bulk of these lands are situated, your committee would state that in their judgment, the system of State roads and ditches, as inaugurated by act 117 of the session laws of 1859, is the only practicable policy that can be pursued. There are many cases where if roads should run lengthwise of a low, wet belt of land,

that the *immediate* and direct effect of such road would be to drain, to some extent at least, the lands through which it passes. But your committee are of opinion that no lands will be reclaimed, in the proper acceptation of the word, until they are settled upon and occupied for agricultural purposes, and with this view, there can be but little doubt that extending roads into a country where there are no highways is the surest way of obtaining *resident* owners of the lands through which such roads may pass, and that the *immediate* effect of any appropriation of swamp lands for the construction of said roads must necessarily be to reclaim those lands which lie adjacent, or within reasonable distance of the line of the road so constructed.

Your committee have amended the bill to them referred, by striking out a number of the roads, and have so diminished the whole length of roads provided for in the bill, that the whole *distance* will be about 813 miles. They have also amended by adding a new section to the bill; all of which several amendments are herewith submitted, and when so amended, the committee unanimously recommend that the bill do pass, and ask to be discharged from the further consideration of this subject.

T. J. RAMSDELL, *Chairman*.



[No. 86.] .

COMMUNICATION from the President of the G. R. & I. R. R. Co., transmitting a statement of the condition of said road.

To the Honorable the Legislature of the State of Michigan:

The undersigned begs leave to comply with the request contained in the following resolution, adopted by the House of Representatives, on the 9th day of February, 1861, to wit:

"Resolved, That the Grand Rapids and Indiana railroad company be requested to report to this legislature their true condition as regards section 13 of an act disposing of certain grants of lands to the State of Michigan for railroad purposes, by an act of Congress, approved June 3, 1856,"

By presenting the following report. This report is necessarily gotten up in great haste, and therefore may contain some slight errors, but it is believed to be nearly correct:

This corporation was originally organized on the 18th day of January, 1854; the northern terminus then being on the State line, at a point directly south of the village of Sturgis.

The company did a considerable amount of work and engineering service under this organization, which was continued

up to May 29, 1855, when the Grand Rapids and Southern Railroad Company was organized, the line of which extended from the above mentioned point on the State line to the city of Grand Rapids.

The work was then extended into this State, and continued up to August 28, 1855, in the name of the last mentioned company, when these two were consolidated and merged into one under the name of the Grand Rapids and Indiana Railroad Company.

The work was still continued up to May 23, 1857, when the Grand Rapids and Mackinaw Railroad Company was organized; and on June 29th, of the same year, the Grand Rapids and Fort Wayne Railroad Company was organized, and all three of these were consolidated and merged into one on the 27th day of July, 1857, by which the present corporation was completed.

The following statement of the work will give as good an idea of its present condition as can readily be furnished :

The whole line, 350 miles, has been thoroughly surveyed, and located;

Nearly half of the work on the road bed from Wolcottville to LaGrange, 9 miles, is done;

It will not take more than \$1,500 to finish the road bed from LaGrange to Sturgis, in readiness for the ties, the length of which is 11 miles;

Nearly half the road bed is completed from Sturgis to Kalamazoo, a distance of 36 miles;

Several miles are graded between Kalamazoo and Grand Rapids, the precise amount of which I am unable to state; and

The work on the 20 miles extending from Grand Rapids north is nearly completed, so near that it can be finished as fast as the iron could be laid.

All of the expenditures for work, engineering, and all the incidental expenditures of the whole of the above mentioned companies, are brought forward, and charged to the account of this, and are included in this Report.

The Company's general bonds and mortgages are properly

executed, and the latter are recorded in all the counties into which the line of the road extends.

SUBSCRIPTIONS PAID.

Amount paid to the original Indiana Company by citizens of that State,.....	\$ 98,893 82
Amount paid to said Company by citizens of the State of Michigan,.....	72,000 00
Total amount paid to the Indiana Company,.....	170,893 82
Amount paid to the Michigan Companies,.....	98,379 00
Total amount paid in both States,.....	<u>\$269,272 82</u>

RIGHT OF WAY.

Value of lands deeded to the Company for right of way by private landholders, on the land grant part of the road,.....	\$ 5,100 00
Value of lands conveyed for the right of way by private landholders, south of Grand Rapids, in Michigan,.....	10,359 56
Total in Michigan,.....	<u>\$15,259 56</u>
Value of lands deeded for right of way by private landholders in the State of Indiana,.....	5,000 00
Total in both States,.....	<u>\$20,459 56</u>

THE COMPANY'S MEANS.

Total amount of capital stock,.....	\$2,800,000 00
Total amount of mortgage bonds,.....	5,000,000 00
Total amount of construction, and incidental service done,.....	500,956 58
Total amount of real estate on hand, subscribed and deeded to the Company,.....	27,323 00
Total value of lands deeded to the Company for right of way,.....	20,459 26
Total amount of stock and bonds of other Companies, held by this,.....	6,100 00

Total amount of unpaid subscriptions to the capital stock of the company, now due,..... \$ 318,637 18
Total amount of the land grant, as adjusted by the
Departments at Washington—acres,..... 678,889.70
All of which is respectfully submitted.

JOSEPH LOMAX,

President G. R. & I. R. R. Co.

OFFICE OF THE G. R. & I. R. R. Co., }
Kalamazoo, Feb. 19, 1861. }

[No. 37.]

REPORT of the committee on Ways and Means, relative to making appropriations for the support of the Michigan Asylum for the Deaf and Dumb and the Blind.

The committee on ways and means, to whom was referred Senate bill, entitled

A bill making an appropriation for the support of the Michigan asylum for the deaf, dumb and blind, at Flint, and for completing certain portions thereof,

Have considered the same and have instructed me to report that the annual expense of the asylum is about \$8,000 for its current expenditures alone, which is an unavoidable expense, unless the institution shall be closed, and the committee find no difficulty in recommending it, as provided for in the bill which has passed the Senate. The remaining expenditures of money provided for in the bill are the sum of \$10,000 for the present year, and the further sum of \$7,500 for the year 1862, for the purpose of completing the basement and wings of the said asylum buildings, and the committee has hesitated very much, and had much greater difficulty with regard to it. The

amount is not so absolutely necessary as the other, and yet the necessity of it appears to be very great. The expenditures upon this institution do not appear to have been made with the most jealous economy. With the means already expended there, two-thirds of the whole building ought to have been complete and already occupied, viz: the main building and one wing. The other wing should have remained without any expenditure thereon until the remaining portions had been completed and in use, and until it should have become necessary by reason of the scarcity of accommodations afforded by the portions of the structure which would then have been in use, and further appropriations might not have been absolutely necessary for some years, as the building which would have been complete would have sufficed for the wants and necessities of the deaf, dumb and blind children of the State, at least for a considerable period.

The expenditures have been made, however, with a view of completing the whole structure, both wings and the main building, at the same time. The consequence is, that the walls of the whole structure as planned for the Asylum when it shall be completed are up, and the entire roof on, and the entire appropriation—with the exception of \$4,500—exhausted, and yet no part of this great edifice is ready for occupancy—a small structure standing in the rear, and being no part of either the main building or of the two wings, alone being ready for use. The whole structure stands therefore entirely useless—without floors, doors, or windows—a shell only—open from cellar to garret, and liable to injury from time and the elements so long as it shall remain in this state.

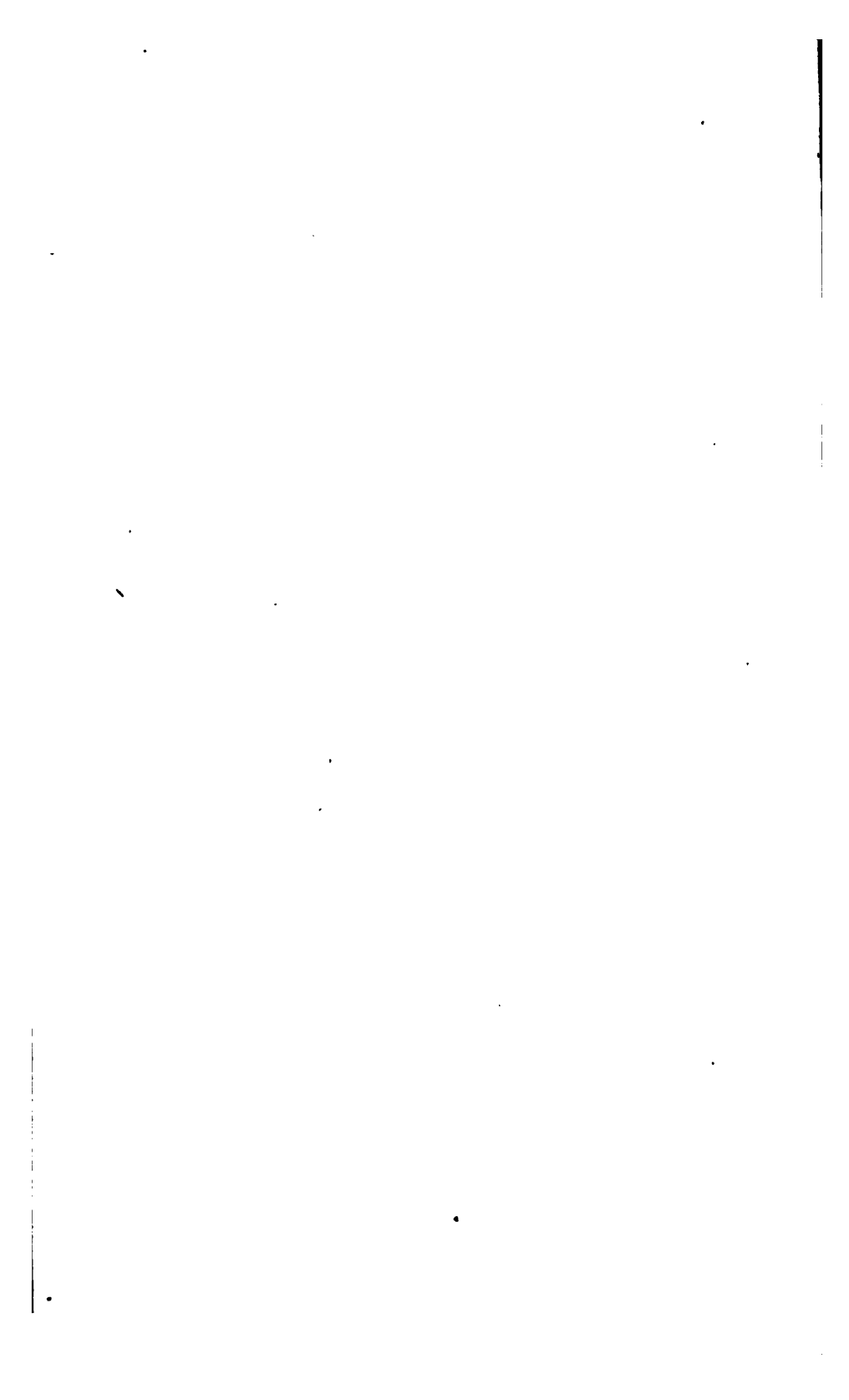
A moderate appropriation will enable those having charge of it to finish one wing and a part of the basement story, which appears to be essential that the pupils may have room for the various callings in which it may be desirable to instruct them.

As before stated, it is with reluctance that the committee have come to the conclusion to recommend any more appropriations than sufficient for the current expenditures, but this state

of things and the evident necessity have induced them to acquiesce and recommend that the bill making this moderate appropriation be permitted to become a law.

They will remark, however, that the House may distinctly understand it that the amount of the sum thus appropriated for building purposes is in addition to the estimates of the committees of both Houses, and which make up the general tax for the support of the government, and paying the debt created by past appropriations and the defalcations of the late Treasurer, and that the bill provides that the amount appropriated for such purpose shall be assessed and collected in *addition* to the two mill tax recommended for general purposes.

JAMES F. JOY, *Chairman.*



LEGISLATURE, }
1861. }

{ SENATE DOC.
No. 38.

[No. 38.]

REPORT of the Committee on Ways and Means, relative to
[making appropriations for the Michigan Asylum for the Insane.

The committee on ways and means, to whom was referred
Senate bill, being

A bill making appropriations for the Michigan asylum for the
insane,

Having duly considered the same, have instructed me to sub-
mit the following report :

Early in the session, your committee became convinced of
the necessity of avoiding all unnecessary expenses, and of lim-
iting appropriations for all purposes to the absolute necessities
of the State.

We have resisted constantly all private and local appeals,
and have hoped that those State institutions that are com-
menced, and that are so necessary to the welfare and the honor
of the people, could be kept alive, and made to subserve all
present pressing wants, by such appropriations only, as would
meet their annual running expenses.

Unfortunately for us, we are compelled to decide these ques-

tions, on a state of facts that we cannot control, that it would be wrong in us to overlook, and that are directly opposite to our wishes.

The Asylum at Kalamazoo, in its present unfinished condition, will accommodate about 130 patients. The number of insane persons in the State is about 600, one-half, at least, fit subjects for asylum treatment, and all the most unfortunate, helpless and hopeless, of the human race. Without such treatment, promptly and speedily, there is indeed no hope for them. Yet each successive applicant, henceforth, must receive the sad and sickening reply, "the wards are all full—we have no place for you."

We feel that this Asylum has already been delayed too long, by years; and though it is unfortunate that the building up of nearly all our State institutions has been thrown upon us at one time, and that the burden is much more pressing on that account, still, we have confidence in the people we represent, that they will bear without complaint, all the obligations imposed by justice and humanity.

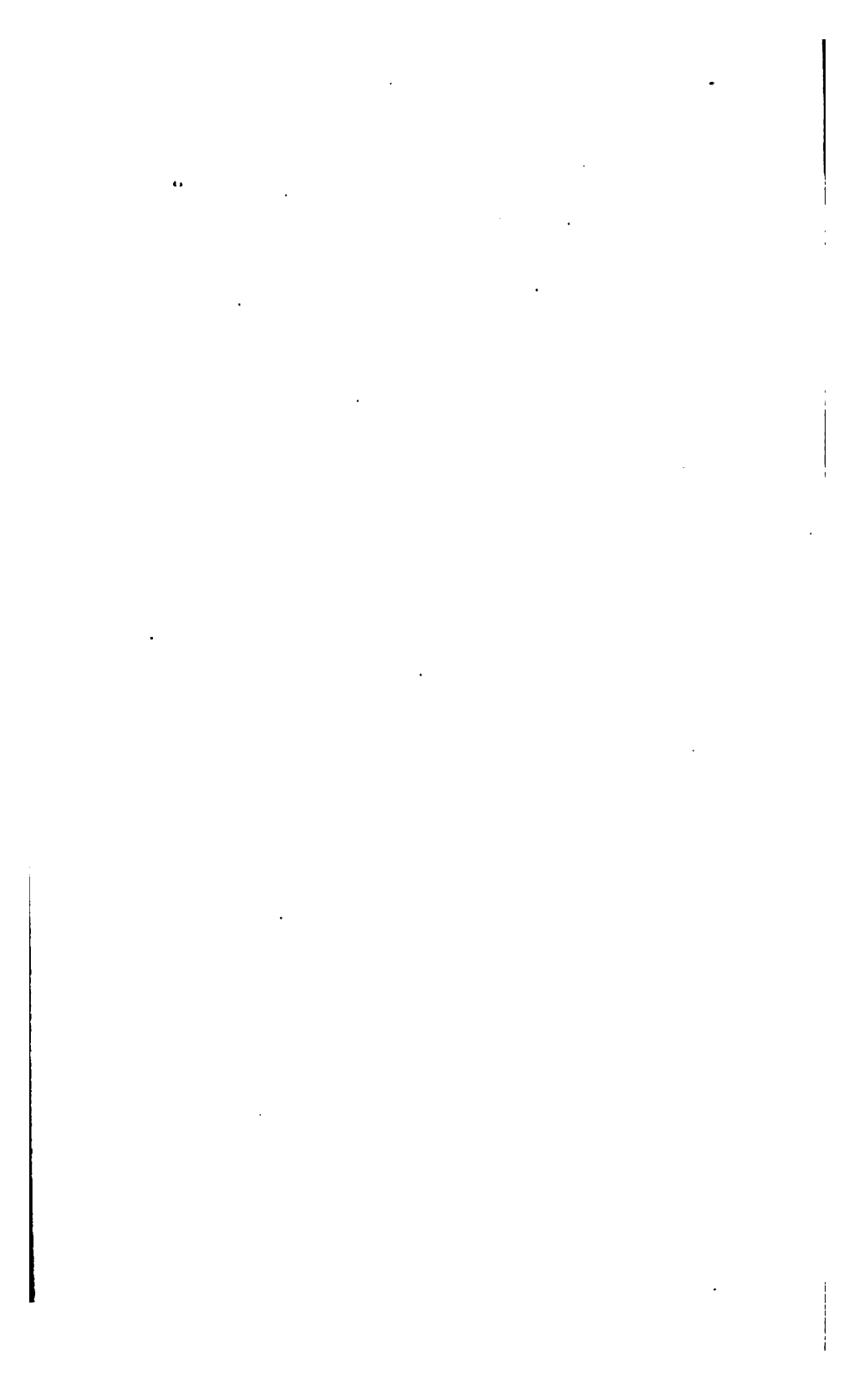
Ninety thousand dollars will be yet required to complete the asylum and put it in a condition to treat 300 patients. If the bill herewith reported shall pass, it will yet require another appropriation of \$40,000 before the people of the State can realize the full benefit of the amount already expended, and the delay will not be less than four years under the most favorable circumstances. The bill appropriates \$25,000 each year for 1862 and 1863, to be levied in the tax of 1861 and 1862. This amount levied on a valuation of \$160,000,000, the estimated equalized valuation of those years, will amount to the trifling sum of less than ten cents on a valuation of \$600, and nearly one dollar on a valuation of \$6,000.

We respectfully submit whether the people of Michigan would not prefer to pay this trifling amount, in addition to all other taxes, rather than suffer even 100 of their suffering insane to remain in their present hopeless condition.

However much we regret the necessity, reluctant as we are

to perform this duty, we feel it to be none the less urgent. We therefore recommend that the bill do pass, and ask that the committee be discharged from the further consideration of the same.

ALONZO SESSIONS,
THOS. D. GILBERT,
CHAS. W. WETHERBY,
E. MUNSON CHOATE.



[No. 39.]

REPORT of the Select Committee on Salt Manufacture, in regard to certain petitions praying for the repeal of the law of 1859, to encourage the manufacture of Salt in the State of Michigan.

The select committee on salt manufacture, to whom was referred certain petitions praying for the repeal of the law of 1859, to encourage the manufacture of salt in the State of Michigan, would submit the following report :

Your committee have been unable to come to the same conclusion which seems to have governed those who petitioned for this repeal.

Your committee are, of course, unacquainted with the reasons which have led the petitioners to the conclusion at which they have arrived, but to us it looks very much like a "manufactured public opinion."

The petitioners say they "believe that the salt bounty law of 1859 has developed all that was ever contemplated by its enactment." Your committee do not pretend to know what was the intention of those who passed the law, unless they intended to do what the law proposes.

- Section 1 of the article, (page 551, session laws of 1859,) says "that all companies or corporations formed, or that may be formed, for the purpose of boring for and manufacturing salt in this State, and any and all individuals engaged in, or to be engaged in such manufacture, shall be entitled to the benefits of the provisions of this act."

What this law says is very plain. Did the legislature mean anything else? Did they intend to say to those who should avail themselves of the provisions of the law, "if you make the experiment and fail, you must lose the money which you have expended. If you succeed in finding water of sufficient strength to warrant the *belief* that you will succeed in making salt, the next legislature will repeal the law."

Your committee cannot for a moment believe that such was the intention of the law. They cannot entertain the opinion that the Legislature of Michigan, by a sober enactment, invited her citizens to enter the lists to engage in a game of "heads I win, tails you loose." Such a view of the matter would place a sovereign State in a position which nothing but positive proof will ever satisfy your committee that this State is willing to assume.

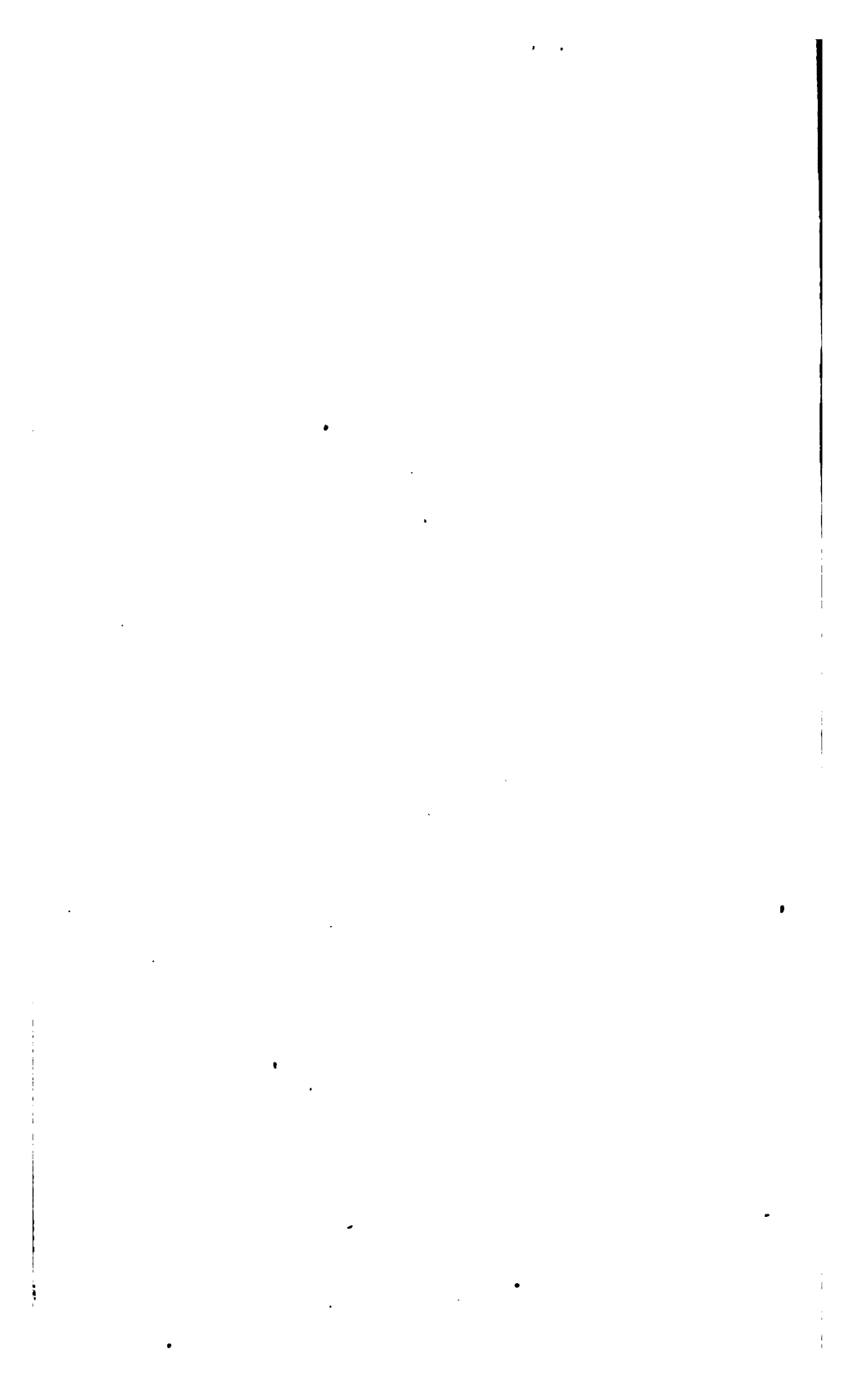
Again, the petitioners say that they are "unwilling to be taxed for the encouragement of any business which promises certain profitable returns."

The petitioners do not appear to claim that any returns has yet been received. Nor do they claim that any profits have been made in the manufacture of salt. But for fear that such may be the result, for fear that because certain persons depending on the good faith of the State of Michigan, have expended \$100,000 in developing the resources of the State, and that there is a prospect that the State may be called upon to perform her part of the contract; therefore they ask the Legislature to repeal the law.

Your committee are not aware by what order of morals your honorable body are expected to be governed in carrying out the wishes of these petitioners. They know of no rule by which

honest men have ever been governed, which would justify such a proceeding. When we are asked to forfeit the plighted faith of the State on the ground that there is a "prospect" that she may be called on to do that which she has solemnly bound herself to do, when she does not wait to be asked to keep her word, when she is asked to be dishonest because she is cowardly, your committee most respectfully decline recommending any such action, and have directed me to report the petitions back to the House with the recommendation that the prayer of the petitioners be not granted.

T. M. WILSON, *Chairman.*



[No. 40.]

REPORT of the Committee on Ways and Means, relative to making appropriations for removing the East Wall and building Work Shops at the State Prison.

The committee on ways and means, to whom was referred Senate bill, entitled

A bill to make appropriations for removing the east wall, and building work shops at the State Prison,

Respectfully report that the bill appropriates the sum of fifteen thousand dollars for those purposes, as follows, viz: to remove the east wall three hundred feet east, and extend the same to the north wall, eight thousand dollars; for building work shop, seven thousand dollars. That these things are necessary to be done, seems quite evident. The committee, however, do not see the necessity of the appropriation which the bill provides for, to perform the same.

There was appropriated at the last session of the legislature, the sum of twenty-seven thousand five hundred dollars, to be expended in improvements at the prison. Of this large sum of

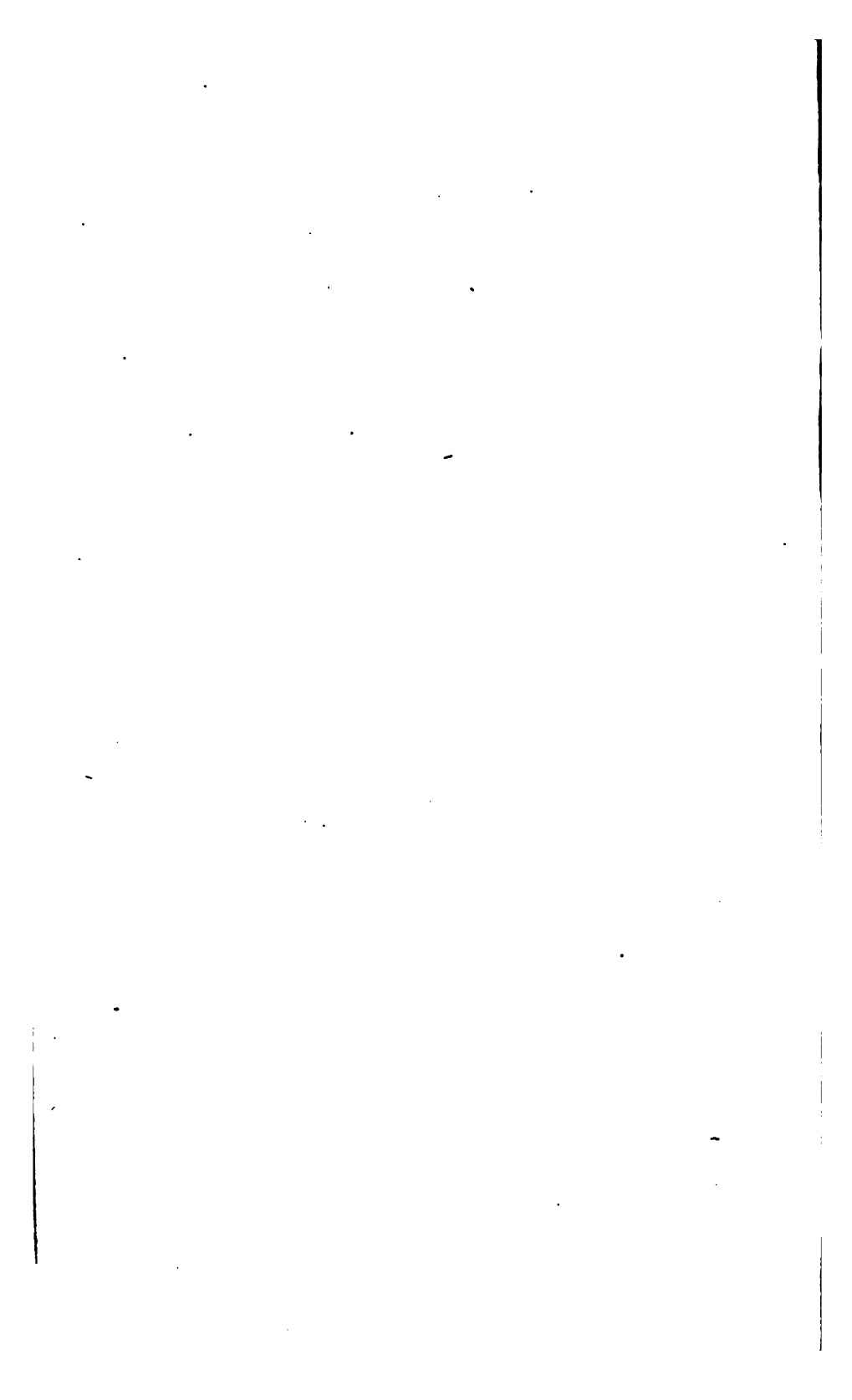
money, there remains an undrawn balance in the treasury of fourteen thousand five hundred dollars.

The condition of the finances of the prison itself, is thus stated in the report of the agent to the inspectors, at the close of the last fiscal year. The indebtedness of the prison to sundry individuals amounts to \$9,212 64; and the amount due to the prison from the contractors is \$18,495 97. The report then remarks that these amounts are seemingly large, but are principally accounted for from the depreciated value of western currency. Most of the contractors receive no other but western money for their manufactures, which we have for some time refused to take at par, except on small accounts; consequently they have not paid us, and we have not paid our debts. It is remarked, also, that the debt of the prison is in no part made up by purchases of winter supplies, and advances to beef contractors. It is quite clear that unusual credit has been extended to creditors on account of the deranged state of the western currency, and that the amount due the prison from the contractors, which may be realized within a short period, is more than enough to pay every dollar of the debt of the prison, and leave still \$9,000 then due to it from contractors, and also the whole of the unexpended appropriation of last year, amounting, as above stated, to \$14,000; and both sums together amount to \$23,500. There is probably a current usual balance due from the contractors of \$6,000 or \$7,000; but even then, there is at the control of the managers of the prison \$16,000 or \$17,500, with which to prosecute the necessary improvements, which, with a not unusual use of credit, will give all the fund, amounting from twenty-seven to thirty thousand dollars, which may be essential for all necessary enlargement of the yard, and the improvements, in the opinion of the committee.

At least, so far as they can judge, and upon tolerably careful inquiry, there exists no such necessity for appropriations in that direction, as will justify the Legislature at the present session in adding to the taxes already, for other and more pressing necessities, in order to make them.

They have no hesitancy, therefore, in recommending that the bill do not pass, and ask to be discharged.

JAMES F. JOY, *Chairman.*



| No. 41. |

REPORT of the Committee on Ways and Means, relative to providing a Military Fund in aid of the Uniformed Volunteer Militia.

The committee on ways and means, to whom was referred Senate bill, entitled

A bill to amend an act entitled an act to provide for a military fund in aid of the uniformed volunteer militia, approved February 14, 1859,

Have considered the same and have instructed me to report, that the fund to be raised is to be divided among such volunteer uniform companies as may be entitled thereto, under the act of '1859, above mentioned, not exceeding forty companies in all, for the purpose therein specified, being to provide armories, accoutrements, pay expense of cleaning arms, &c., &c. The above named act provided for the appropriation of three thousand dollars per annum, and of the general fund in the treasury, to be divided among the said companies. The bill referred to the committee provides, during this year, that five thousand dollars shall be so appropriated, and also for levying

and collecting upon all the taxable property of the State therefor, annually, a tax of one-tenth of one mill on the dollar, which, upon a valuation of one hundred and sixty millions for the State, will produce annually about \$16,000, and hereafter more than that sum, which, divided among the forty companies, would be nearly \$400 to each company. The committee do not think that a tax to that amount expedient in addition to all other taxes, which for several years must be levied and collected from the people; neither do they think that such an amount of money divided among these companies would be productive of good, commensurate with this expense to the people. It may be expedient to furnish small amounts to each company for a time, to defray its necessary incidental expenses in some part, but not beyond that necessity; and especially in the present condition of the treasury, do they deem it inexpedient to increase the amounts of any demands upon it beyond what the most absolute necessity requires. When the State is compelled to rely upon the credit and pecuniary responsibility of its Treasurer to a very considerable extent for money, it is both unjust to him and inexpedient in every way to add to appropriations from a fund already exhausted, and which for the present is or must be sustained by him from private means, and must ultimately be replenished by heavy taxation upon the people.

While the committee therefore unanimously approve the appropriations already made of \$3,000 a year for the present, they cannot approve any increase of that amount the present year; nor can they recommend so large a sum to be raised by taxation during this and the next years, as is provided for in the bill. For the present they recommend that only one-fortieth instead of one-tenth of one mill be levied and collected for this purpose, leaving it for subsequent legislatures, and when the embarrassments of the State shall have been cleared away, to add thereto if it shall be deemed expedient. They therefore recommend that the three thousand dollars provided by the act of 1859, continue to be applied for the purposes specified in that act; that there be also levied and collected a tax of one-

fortieth of a mill on the dollar for the years 1861 and 1862, in the manner provided in the bill referred to them.

They have, accordingly, proposed amendments to the bill with this view, which are herewith submitted, and when the bill be so amended they recommend that it do pass.

JAMES F. JOY, *Chairman.*

[No. 42.]

**REPORT of the Committee on Education, relative to the repeal
of the act establishing Teachers' Institutes.**

The committee on education, to whom was referred Senate bill No. 103, being

A bill to repeal act No. 70, of the session laws of 1855, being an act entitled an act to establish teachers' institutes, approved February 10, 1855,

Have had the same under consideration, and ask leave to make the following report :

In matters of education, Michigan confessedly holds the first position among the western States, and one hardly second to any in the Union. This position she has gained by adopting such means as wisdom and experience have devised, for the improvement of her public schools. By the bill before us, it is proposed to do away with one of the most, if not *the most* efficient instrumentalities for perfecting our school system. Farmers have their agricultural societies—mechanics have their associations—commercial men have their conventions—reformers have their alliances—religious bodies have their conferen-

ces and synods—and cannot teachers of youth be benefitted by like combinations? We cannot have good schools without good teachers, nor can we have good teachers unless there is placed within their reach the advantages to be gained from the experience of those who have made teaching the business and study of their lives.

To secure this object and to prepare teachers for their responsible duties, various measures have been adopted. Normal Schools have been established in different States. But a single Normal School in a State as large as Michigan, is entirely inadequate to the task of fitting her army of teachers for their work. To supply this deficiency, the system of institutes has been adopted. This system has been fairly tested, and has won the approval and support of all men who have devoted their lives to the cause of education. Hear the testimony of some of them. Hon. Geo. S. Boutwell, late President of the Massachusetts Board of Education, speaks of them as “the great instrumentalities in the work of education.” And again, he says “within the sphere of its influence, the Institute is far superior to any agency that has been employed or suggested.”

Lyman Draper, late Superintendent of Wisconsin, said three years ago, “Teachers’ institutes have come into general use wherever education is progressive,” and are “chief among other vastly important agencies.” Hon. Mr. Pickard, the present Superintendent of Wisconsin, bears the same testimony. H. S. Randall, Superintendent in New York, wished to have an Institute in every county in the State, each year.

The Superintendent in Pennsylvania—report for 1857, says :

“The Institute, properly conducted, is undeniably the great lever to lift the school system from the dead level of apathy and indifference ; the most effectual and powerful agency at command, to reach and arouse public opinion, vivify the profession, and energise the system.”

Our own Superintendent of Public Instruction, who is devoting all his energies to the improvement of our schools, and